

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

FILED
5 O'Clock p.M.

JUL 13 2011

THE STATE OF ARIZONA

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER

Defendant.

SANDRA K MARKHAM, Clerk
By: Karen Wilkes

No. P1300CR2008-1339

BEFORE:

THE HONORABLE WARREN R. DARROW
JUDGE PRO TEMPORE OF THE SUPERIOR COURT
DIVISION SIX
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA
THURSDAY, AUGUST 26, 2010

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

 **ORIGINAL**

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P R O C E E D I N G S

THE COURT: Good morning. Please be seated.

We're on the record in the State of Arizona versus Steven Carroll DeMocker, defendant. The attorneys -- all of the attorneys and the jury all are present. And the witness, Detective Jaramillo, is back on the witness stand. He has previously been sworn.

And you may resume cross-examination, Mr. Sears.

MR. SEARS: Thank you.

ALEX JARAMILLO,
called as a witness herein, having been previously duly sworn, was examined and testified as follows:

C R O S S - E X A M I N A T I O N (Continued)

BY MR. SEARS:

Q. Good morning, Detective.

A. Morning.

Q. Okay. Let's pick up if we could back during the search on July 3 of the residence at Bridle Path. You remember, of course, being there a large part of that day; correct?

A. Yes.

1 Q. Okay. And what I'd like to start with if we could
2 is just to reorient us again to the floor plan. I have
3 Exhibit 631 here on the projector, which will be up in a
4 moment. And that's the floor plan, of course, of the house
5 at Bridle Path. And in particular -- if I could steal the
6 laser pointer here this morning.

7 In particular, I'm interested in the search
8 that you said you did when you began to go down the hallway
9 from the living room area down the hallway towards the
10 bedroom, and you remember talking in considerable detail
11 yesterday about the work you did there; correct?

12 A. Yes.

13 Q. Okay. And I'm particularly interested in an object
14 that's located right on this wall here, which would be
15 directly across from -- or more or less directly across from
16 the room where Carol Kennedy was discovered. This is the
17 doorway into the master bedroom which you said you searched;
18 right?

19 A. Correct.

20 Q. Okay. Now, let me show you if I could -- let's
21 look at that hallway shot if you could, Rich. We're
22 switching between the ELMO. This is a digital projection of
23 a photograph we were looking at yesterday on the ELMO. When
24 we were looking at this photograph yesterday, it was very
25 difficult to see these objects, but in particular, this is

1 the suitcase that you and I talked about for some time
2 yesterday. Do you remember those questions and answers?

3 A. I believe so, yes.

4 Q. Okay. And to orient us, this is the hallway -- the
5 doorway at the left of this photograph here is into the room
6 where Carol was discovered, of course, and on the right is
7 the doorway into the master bedroom; correct?

8 A. Yes.

9 Q. And you can see these are light fixtures up above
10 here, aren't they?

11 A. Correct.

12 Q. Okay. And you remember yesterday we were talking
13 about the glass brick wall or what I believe was a glass
14 brick wall that was up in that loft area in the room where
15 the body was discovered?

16 A. Yes.

17 Q. Okay. Can you see here on this wall here up at the
18 top what appear to be glass bricks?

19 A. Yes.

20 Q. Okay. And thinking about it now, you see this --
21 the distance of this wall. This glass brick exposure here
22 corresponds exactly to the glass bricks on the other side
23 which would be up in that little loft area; isn't that right?

24 A. It appears so, yes.

25 Q. Okay. And is it that you just didn't pay much

1 attention then to these glass bricks as you were searching
2 this hallway and the areas off this hallway?

3 A. I don't understand your question.

4 Q. Okay. You said yesterday you just didn't remember
5 whether you saw a corresponding area of glass bricks on the
6 other side of the wall from the loft, and I'm asking you now
7 if it's possible that you simply weren't paying attention to
8 it because it was not an area that you were searching? Is
9 that fair?

10 A. No. I noticed the glass brick, and I noticed the
11 opposite side. It was two different views, two different
12 areas.

13 Q. Okay. Would you agree with me though that looking
14 at where this area of glass bricks is in this photograph,
15 which is Exhibit 2242 for the record, your Honor, that would
16 correspond exactly to the glass bricks on the other side that
17 we looked at yesterday? This is just the other side of that
18 area, isn't it?

19 A. I can't say exactly, but it appears so, yes.

20 Q. Okay. Well, we can look at the diagram here. If
21 we could go back to the ELMO. I'm going to put 631 back up.
22 And you can see right here this area that is cross-hatched is
23 the loft area that is accessed by a ladder along this wall
24 here; correct? Are you with me?

25 A. Yes.

1 Q. Okay. And you go across and there is this short
2 piece of wall here shown on Exhibit 631; correct?

3 A. Yes.

4 Q. And in the photographs we looked of that loft area,
5 it was this wall -- when you were up in the loft area you saw
6 an area yesterday you weren't sure whether they were glass
7 bricks or not; is that right?

8 A. On that side, yes.

9 Q. And you thought maybe it was a doorway, but you
10 couldn't find any way to get it open; correct?

11 A. Correct.

12 Q. And then if you look at the hallway, it's a little
13 bit difficult to see. Maybe if we zoom in and violate the
14 north up rule for just a moment here. Do you see what it
15 says right there? What does it say?

16 A. Storage tubs.

17 Q. Okay. Those are the plastic storage tubs actually
18 on which you saw some blood spatter; is that right?

19 A. Correct.

20 Q. And this wall now that we're looking at here above
21 the storage tubs is the wall when you look down the hallway
22 that has glass bricks on it; correct?

23 A. On that side, yes.

24 Q. Okay. On both sides; correct? On the loft side
25 and on the hallway side; correct?

1 A. I couldn't tell on the opposite side whether those
2 were glass bricks or not.

3 Q. Okay. I understand. All right. Let's go back and
4 look at that photograph 2242, please. And if you could zoom
5 in down at this end down here a bit, Rich.

6 Okay. Do you see here on 2242 just to the
7 right of the doorway into Carol's bedroom a light switch?

8 A. I see something there. I don't know if it's a
9 light switch.

10 Q. You can't -- perhaps if you step down for a second.
11 It's a little bit easier to see from this angle I think.

12 A. Okay.

13 Q. Do you see it now?

14 A. Yes.

15 Q. And that's a light switch, isn't it?

16 A. It appears so, yes.

17 Q. Okay. Did anyone suggest to you when you were
18 conducting your search that you might want to take a closer
19 look at this light switch?

20 A. No, no one.

21 Q. Okay. Let me show you -- it takes our laptop a
22 little time to wake up in the morning too -- Exhibit 2324 in
23 evidence. And I will tell you, Detective, that other
24 witnesses have identified this light switch as the same light
25 switch that we were just looking at in the previous exhibit.

1 This is just a close-up, and this is the edge of the opening
2 into the master bedroom. Do you see where we are?

3 A. Yes.

4 Q. Okay. Do you see what appears to be a darkish
5 stain?

6 Rich, if you could pull in a little bit
7 tighter on that.

8 Can you see some sort of material on this
9 light switch in Exhibit 2324?

10 A. Yes, I can.

11 Q. Okay. Did you see that substance on that light
12 switch in that location on July 3, 2008?

13 A. I don't recall, no.

14 Q. Okay. If I told you that Deputy Taintor and
15 Sergeant Acton who were among the first responders, actually
16 Deputy Taintor was the first responder, saw this thought it
17 might be blood and this photograph was taken? Do you know
18 that?

19 A. No.

20 Q. So if I understand from your testimony yesterday,
21 one of the things that you were doing was to go in areas in
22 the house, particularly areas outside the immediate vicinity
23 of Carol Kennedy's body, looking for possible blood evidence;
24 right?

25 A. Correct.

1 Q. And you told us that, for example, you found what
2 you thought was blood evidence on a deadbolt assembly at a
3 doorway at the other end of this hall from this light switch;
4 right?

5 A. Yes.

6 Q. Okay. But you didn't see this?

7 A. I don't recall, no.

8 Q. Yeah. How does this work, Detective, when you are
9 doing a search and there are other people around and people
10 are looking all over the house, how do you all communicate
11 with each other about what you find?

12 A. Usually just talking to one another what -- you
13 know, what was seen.

14 Q. Is there some systematic way that you go about
15 doing this so that you can be sure that if some other officer
16 or detective has found something of interest, it's called to
17 your attention? Is there a way that you approach that?

18 A. Probably the person who's in charge usually, the
19 case agent.

20 Q. Well, when you were there, who was in charge?

21 A. Detective Brown.

22 Q. Okay. And so Detective Brown in your view then as
23 the case agent; right, would have been responsible for
24 coordinating the discoveries by law enforcement of items of
25 interest so that they could be cataloged, identified, and

1 collected if appropriate; right?

2 A. Yes.

3 Q. And we know that there was some criminalists, some
4 people from the DPS crime lab in Flagstaff who were there on
5 July 3 doing what's called serology work. Do you know what
6 that is?

7 A. Yes.

8 Q. What is that?

9 A. They were collecting what appeared to be blood
10 samples.

11 Q. If I told you that from the evidence that we have
12 been provided in this case it does not appear that anyone
13 from the DPS crime lab or the Sheriff's Office or anyplace
14 else ever swabbed this area on this light switch, would that
15 be something you know about?

16 A. No.

17 Q. Okay. Wouldn't you think -- and let's step back
18 for a minute and consider where this is. You saw blood
19 spatter and blood in the room near the body; right?

20 A. Yes, I did.

21 Q. And you told us in considerable detail and you
22 wrote in your report where all this blood was; right?

23 A. Yes.

24 Q. And you said that there was blood spatter on the
25 side of the plastic containers being stored in the hallway.

1 You noticed that; right?

2 A. Yes.

3 Q. Now, this is something, whatever it is, we can't
4 tell now, but if that were blood and it were on the other
5 side of that hall and on a light switch, that might be
6 important evidence; right?

7 A. Yes.

8 Q. Okay. Because it might not be blood spatter;
9 correct?

10 A. Correct.

11 Q. It might not be drops of blood that came from Carol
12 Kennedy across the room, but it might be transferred blood?
13 Do you know what transferred blood is?

14 A. Correct.

15 Q. Okay. Blood that was on something or someone and
16 came in contact with the surface and that blood was
17 transferred; right?

18 A. Yes.

19 Q. Now, that blood could be Carol Kennedy's blood if
20 that's blood; right?

21 A. It's possible.

22 Q. But it could be somebody else's blood; right?

23 A. It could be.

24 Q. For example, it might have nothing to do with the
25 murder of Carol Kennedy? It might be somebody's blood from

1 days before; correct?

2 A. Correct.

3 Q. But it might be blood from somebody besides Carol
4 Kennedy who was in that house that night that she died;
5 right?

6 A. That's possible.

7 Q. And if there was blood there, it might be possible
8 to extract DNA from that blood; right?

9 A. Yes.

10 Q. And it might be possible to identify a profile from
11 that DNA; correct?

12 A. It's possible, yes.

13 Q. And if that profile were developed and that profile
14 could be matched or compared to other profiles that were
15 obtained in this case; right?

16 A. Yes.

17 Q. Now, you know that lots of DNA profiles were
18 obtained by law enforcement in this investigation over a
19 period of time; correct?

20 A. Yes.

21 Q. Some very recently apparently. Were you aware of
22 that?

23 A. No.

24 Q. Okay. But you know that it is common when there is
25 a lot of blood evidence to start doing DNA swabbing. Have

1 you ever done that?

2 A. Yes.

3 Q. Okay. How do you do that?

4 A. Well, I usually use our sterile -- the packets that
5 the swabs come in, open it up, and then depending on the
6 surface, use sterile water and collect it.

7 Q. Okay. I'm actually talking about taking buccal
8 swabs from people.

9 A. Yes, I've done that.

10 Q. And so you use sterile water?

11 A. No.

12 Q. Okay. How do you do a buccal swab from a person?

13 A. Same process with the sterile swabs, open it up and
14 then vigorously rub the inside of the mouth.

15 Q. Your -- your -- inside the mouth on the inside of
16 the cheek; is that right?

17 A. Correct.

18 Q. And you're collecting what are called epithelial
19 skin cells; is that right?

20 A. Yes.

21 Q. Okay. And those skin cells if you get a sufficient
22 quantity could produce a DNA profile from the individual from
23 whom they were taken; correct?

24 A. Yes.

25 Q. Okay. And those swabs go back into those cardboard

1 boxes apparently; right?

2 A. Yes.

3 Q. And then they get sent off to the crime lab for
4 analysis; right?

5 A. Yes, they do.

6 Q. So in an investigation like this if you have DNA --
7 let's just say hypothetically that this material here had
8 been swabbed, okay, and that it produced DNA, that it turned
9 out to be a human substance, it turned out to be blood, for
10 example, and it produced DNA. The more swabs from the more
11 different people you have, the broader the comparison you can
12 make to a DNA profile from this material; right?

13 A. Yes.

14 Q. So if you only have one person's DNA, that's all
15 you can look at? You can look at their profile and see if it
16 matches the profile from the substance that you collect;
17 right?

18 A. Yes.

19 Q. But to be smart, the investigation would expand the
20 range of people that you would take swabs from; isn't that
21 right?

22 A. Yes.

23 Q. And among the things you would do would be to take
24 swabs from law enforcement, from all of you that were there
25 just to be sure that you accidentally didn't contaminate this

1 crime scene; right?

2 A. Correct.

3 Q. So somebody took a buccal swab from the inside of
4 your mouth in this case; right?

5 A. Yes.

6 Q. And little by little over time going through the
7 lists that were prepared, the sign-in sheets, everybody that
8 was at this crime scene from beginning to end had a buccal
9 swab taken; isn't that right?

10 A. I don't know that everyone did, no.

11 Q. That would be the way to do it, wouldn't it?

12 A. It would be, yes.

13 Q. Yeah. You would want to start with the first
14 responders, the police officers that were first on the scene;
15 right?

16 A. Yes.

17 Q. And then you'd want the EMTs, the people from the
18 Fire Department that responded? You'd want their swabs;
19 right?

20 A. Yes.

21 Q. You'd want swabs from any civilian volunteers that
22 were used for some purpose at this investigation; right?

23 A. Yes.

24 Q. And that's pretty typical, isn't it, in a crime
25 scene like this that's going to take a long time to process,

1 the department relies on civilian volunteers for assistance
2 in many different ways; right?

3 A. Yes, we do.

4 Q. Okay. Sometimes it's just driving things around if
5 something needs to be picked up and brought out to the scene?
6 Sometimes you can use volunteers to do that; right?

7 A. Yes.

8 Q. And sometimes you can use volunteers for what you
9 might call crowd control? If there was an area where you
10 wanted to keep the public away, you could have volunteers
11 that would be stationed there to discourage people from
12 wandering into the crime scene; right?

13 A. Correct, yes.

14 Q. And then sometimes volunteers actually get involved
15 in searches and things like that? They can do that work if
16 they're trained for it; right?

17 A. Limited searches, yes.

18 Q. I don't mean a search like you would conduct, but a
19 search walking around outside looking for things, that's
20 something a volunteer could do?

21 A. Yes.

22 Q. And you saw volunteers on July 3rd at the Bridle
23 Path residence, didn't you?

24 A. Yes.

25 Q. Okay. Now, back to the DNA swabbing. So

1 eventually in this investigation, when you get past the list
2 of people that were at the scene, law enforcement and people
3 who had a legitimate business for being there, people that
4 were called to the scene to investigate, then you could start
5 expanding into lots of other kinds of people; right?

6 A. Yes.

7 Q. And, obviously, Mr. DeMocker on the very first day
8 gave a sample of his DNA. You know that; right?

9 A. I believe so, yes.

10 Q. It was in the search warrant that you worked on;
11 right?

12 A. Correct.

13 Q. Okay. And then eventually a DNA sample was taken
14 from Mr. Knapp, and we'll talk about him a little bit here.
15 But Mr. Knapp gave a DNA sample; right?

16 A. I don't know if he did.

17 Q. Okay.

18 A. I don't recall.

19 Q. If I told you that he did, would you have any
20 reason to doubt that?

21 A. No.

22 Q. If he hadn't given a DNA sample, that would be very
23 surprising to you, wouldn't it?

24 A. Yes.

25 Q. Okay. And then people that Carol Kennedy came into

1 contact with perhaps, people that she worked with, people
2 that were in stores where she may have shopped that day,
3 those would be the kinds of people that you would look at in
4 terms of trying to get DNA samples; correct?

5 A. Yes.

6 Q. And you knew that principally the DNA collection
7 process, these exclusionary swabs that were being taken from
8 this group of people were being done to try and identify the
9 contributor of the full profile under the fingernails on her
10 left hand? You knew that; right?

11 A. I recall some of that, yes.

12 Q. Right. So the Police Department, the Sheriff's
13 Department went on a campaign that went on perhaps even now
14 trying to find someone whose DNA matches the DNA under the
15 fingernails of Carol's left hand; correct?

16 A. Yes.

17 Q. Okay. Now, there would be almost no end, I
18 suppose, to the -- to the class of people that you could ask
19 for samples as long as you continued to investigate? You
20 could find out, for example, years later that Carol had
21 stopped by the public library that day and you might want to
22 go and see who waited on her at the library and get a sample
23 from them; right?

24 A. I suppose, yes.

25 Q. I mean, there is -- there is -- it's not an

1 unlimited number of people, but it's a potentially very large
2 number of people that she may have come into contact with in
3 the days before she died; correct?

4 A. Correct.

5 Q. But it's also possible that the person whose DNA is
6 under her fingernails has not been located; correct?

7 A. To my knowledge, no.

8 Q. Right. And I would think you would be pretty sure
9 to know if the Sheriff's Department after more than two years
10 had found the source of the DNA under her fingernail, you'd
11 know that, wouldn't you?

12 A. I think so, yes.

13 Q. I think everybody in the Sheriff's Department would
14 know that right after it happened; right?

15 A. I would think so, yes.

16 Q. And today as we sit here August 26, you've not
17 heard anything like that; right?

18 A. No, sir.

19 Q. Okay. And that could be because whoever it was
20 whose DNA is under her fingernails has just vanished? That
21 person might be gone; right?

22 A. It's possible.

23 Q. On the other hand, that person might be in this
24 room? Is that possible?

25 A. Sure. It's possible.

1 Q. The person might have been in this room. This
2 trial has been going on for a very long time. The person
3 whose DNA was under her fingernails could have come in here,
4 sat down quietly, and left; right?

5 A. It's possible.

6 Q. Because we just don't know?

7 A. Don't know.

8 Q. That person could be sitting in the Arizona State
9 Prison, couldn't they?

10 A. I don't know.

11 Q. If I told you that the backlog numbers that were
12 last available for people coming through the Department of
13 Corrections was about 20,000 untested swabs, would that
14 surprise you?

15 A. No.

16 Q. Okay. The Department of Corrections is overcrowded
17 and underfunded in this state. You know that; right?

18 A. Yes.

19 Q. I mean, if you pick up the newspaper, that's not a
20 secret, is it?

21 A. No.

22 Q. And one of the things that's expensive, but perhaps
23 necessary is for DNA testing to be done for as large a base
24 of people as you possibly can obtain under the law; right?

25 A. Yes.

1 Q. And one of the kinds of groups of people that law
2 enforcement like you would want to know about would be people
3 who have been in trouble with the law; right?

4 A. Yes.

5 Q. I mean, it's one thing to take DNA from the clerk
6 at New Frontiers market, but it's also important to see if
7 that DNA profile under her fingernail matches somebody who is
8 sitting in prison in the state of Arizona? That would be
9 terribly important, wouldn't it?

10 A. I would say so, yes.

11 Q. Okay. And other states. We can't be sure that
12 Arizona is the only place that might incarcerate such a
13 person. They could be in prison anywhere in the United
14 States; right?

15 A. Yes.

16 Q. And they might not be in this country; is that
17 right?

18 A. It's possible.

19 Q. If you read the newspapers, there appears to be
20 some issue about crime coming up from Mexico. I think we all
21 understand that that's an issue in the state of Arizona in
22 2010; right?

23 A. Yes.

24 Q. Okay. So that person might be somewhere back in
25 Mexico; correct?

1 A. It's possible.

2 Q. Okay. So you don't know. Now, isn't it important
3 then if you're -- if you're looking at a crime scene like
4 this going back to the Bridle Path crime scene, isn't it
5 critically important then if you're really trying to find who
6 did this to be as careful as you possibly can in observing
7 and collecting anything that might be biological evidence;
8 correct?

9 A. Yes.

10 Q. So missing something, missing something completely
11 may miss an opportunity to identify the person whose blood is
12 on that object; right?

13 A. It's possible, yes.

14 Q. See -- for example, if that was Steve DeMocker's
15 blood right there on that light switch, that could be a
16 critically important factor for the prosecution in this case,
17 for you all; correct?

18 A. Yes.

19 Q. Okay. You know that no blood associated with Steve
20 DeMocker was collected and analyzed at this crime scene? You
21 know that; right?

22 A. Fully, no. I --

23 Q. Okay. You're not an expert? You're not a DNA
24 analyst; correct?

25 A. No, sir.

1 Q. So we'll wait until those people come on. But you
2 have no -- no information that suggests that Steve DeMocker's
3 blood was found at the crime scene, do you?

4 A. No, sir.

5 Q. But on the other hand, supposing that blood, if
6 that's what that is, supposing that blood on the light switch
7 had a DNA profile that matched the DNA under Carol Kennedy's
8 fingernails and so now we had a person, a male, an
9 unidentified male under her fingernails and on this light
10 switch, that would be really important evidence; right?

11 A. Yes.

12 Q. Because that would change, wouldn't it, the
13 question of whether the DNA under her fingernails was from
14 some casual contact out in the town, because if that same DNA
15 was on the light switch, particularly if it was in blood if
16 that's what that is, that would connect that blood to whoever
17 Carol Kennedy scratched and got the DNA. Do you see that
18 connection?

19 A. Yes.

20 Q. Okay. And that would change, wouldn't it, any
21 suggestion that she got that DNA at New Frontiers market or
22 Jiffy Lube or at work because that person's DNA is someplace
23 else in her home; correct?

24 A. I would say yes.

25 Q. Okay. Now, let's move on a little bit if we could

1 and go back to the next time you were at the house. And let
2 me ask you this. You left about 3:30 on the afternoon of
3 July 3rd, I think that's what we talked about yesterday, to
4 head to the autopsy; is that right?

5 A. Yes, sir.

6 Q. And you were at the autopsy, and you said that you
7 left about 6:00. Did you go off duty then that day?

8 A. Yes, I believe I went home.

9 Q. Okay. You'd been up all night?

10 A. Yes.

11 Q. Or most of the night. You answered that phone when
12 Huante called?

13 A. Yes.

14 Q. Okay. So you'd been up all night. You hadn't had
15 a chance to get any sleep anytime between 12:30 and 6:00
16 o'clock the next afternoon; right?

17 A. Correct.

18 Q. That's a very long day, isn't it?

19 A. Yes.

20 Q. Okay. But that's what happens; right?

21 A. Yes, sir.

22 Q. Sometimes you have 9:00 to 5:00 days; sometimes you
23 have days like July 3, 2008; right?

24 A. Yes.

25 Q. Detectives are not on a time clock, are they?

1 A. No.

2 Q. Okay. Now, so you weren't there at Bridle Path
3 when that scene was cleared on July 3; is that right?

4 A. Correct.

5 Q. You left and police officers were still processing
6 the scene; right?

7 A. I believe so, yes.

8 Q. So you don't have any personal knowledge of what
9 time the last police officer left Bridle Path on the evening
10 of July 3, 2008, do you?

11 A. No, I don't.

12 Q. Do you know whether any police officers were
13 assigned to stay at Bridle Path overnight until the
14 investigation could be picked up the next morning?

15 A. As far as I know, no.

16 Q. In fact, the investigation wasn't picked up on the
17 4th of July, was it, at Bridle Path?

18 A. No.

19 Q. Okay. The work was done on July 3 and the scene
20 was cleared; is that right?

21 A. I believe so, yes.

22 Q. To your knowledge?

23 A. To my knowledge, yes.

24 Q. Okay. Were you aware that Mr. Knapp spent the
25 night of July 2nd, July 3rd in a hotel away from the

1 guesthouse there? Did you know that?

2 A. No.

3 Q. Okay. But the next night, the night of July 3,
4 July 4, 2008, he came back? Did you know that?

5 A. No.

6 Q. Okay. But the police didn't come back on the 4th
7 of July. They didn't come back on the 5th of July; right?

8 A. Correct.

9 Q. Okay. Do you know who was in and out of the house
10 on the 4th and 5th of July then?

11 A. No, sir.

12 Q. But, apparently, there was a decision made to come
13 back on the 6th of July and the 6th of July would have been
14 that Sunday; right?

15 A. I believe so, yes.

16 Q. Okay. And to get another search warrant to come
17 back and your report says that you and Brown and Huante came
18 back and the reasoning for the search was to determine the
19 series of events that led up to the death of the victim Carol
20 Kennedy. Okay. So you had another search warrant for the
21 6th; is that right?

22 A. Yes.

23 Q. And what was that search warrant aimed at? What
24 were you trying to get on July 6th, 2008 pursuant to that
25 search warrant from Bridle Path?

1 A. I'd have to look at the search warrant.

2 Q. Do you have it with you?

3 A. No.

4 Q. Okay. We'll get it here for you in a minute.

5 Okay. But the search warrant team came out early, about 8:00
6 o'clock in the morning on Sunday; right?

7 A. Yes, sir.

8 Q. Okay. And that search warrant team was you and
9 Brown and Huante. Anybody else?

10 A. I don't recall anybody else, no.

11 Q. Okay. Were there any other police officers out
12 there doing work other than searching Bridle Path again?

13 A. I don't recall, no.

14 Q. Okay. Now, tell me what you mean by what you say
15 in your report about trying to determine the series of events
16 that led up to the death of the victim. That's a pretty
17 broad topic; right?

18 A. Yes, it is.

19 Q. Okay. So what was it that you were looking for
20 that was going to answer those questions for you?

21 A. There was questions regarding the light bulbs.

22 Q. Okay. And you had noticed on July 3 that the
23 lights didn't work; right?

24 A. Correct.

25 Q. So what were the questions about the light bulbs?

1 A. Wanted to find out if they were operable or not.

2 Q. And whose idea was that?

3 A. I don't recall.

4 Q. Okay. And how would inoperable light bulbs in a
5 laundry room help you determine the series of events that led
6 to the death of Carol Kennedy?

7 A. I don't know. Just a question that I had discussed
8 with someone -- I don't recall.

9 Q. Okay. Remember we talked yesterday about -- about
10 a theory that Steve DeMocker got into the house and was
11 waiting in the laundry room and had unscrewed the light bulbs
12 to make himself invisible, and you said you didn't know about
13 any such theory; is that right?

14 A. Correct.

15 Q. And today you don't know about any such theory; is
16 that right?

17 A. Correct.

18 Q. So as a result of determining that the light bulbs
19 had been unscrewed, you and Brown and Huante on July 6, 2008
20 didn't have an idea about what that meant and what that might
21 not have to do with the death of Carol Kennedy?

22 A. We wanted to find out.

23 Q. Okay. But you -- just by finding that the light
24 bulbs had been unscrewed, you didn't find out what you were
25 looking for; is that right?

1 A. I don't recall. I just recall the lights weren't
2 working. They were unscrewed.

3 Q. Okay. So did you screw them back in and turn the
4 light switch on?

5 A. Yes.

6 Q. And they worked?

7 A. Yes.

8 Q. Okay. And all the light bulbs were unscrewed; is
9 that right?

10 A. Correct.

11 Q. Okay. And that struck you as odd; right?

12 A. It did.

13 Q. Okay. And could you think of a reason why those
14 light bulbs were unscrewed that didn't have anything to do
15 with the murder of Carol Kennedy?

16 A. I'm sure I can, yes.

17 Q. Okay. So if somebody developed a theory later,
18 somebody being a police officer or a police officer's theory
19 later, that Steve DeMocker was hiding in the laundry room,
20 that was not a theory that you had; is that right?

21 A. Correct.

22 Q. Okay. And, in fact, that laundry room -- maybe we
23 can take a look at the picture of the laundry room here.
24 This is Exhibit 2248, Detective. Okay. And you see we've
25 looked at this photograph before. This is the laundry room

1 from the hallway. Here's the door on the right-hand side of
2 Exhibit 2248; correct? The door opens in; right?

3 A. Yes.

4 Q. Okay. And you can see -- we talked about a number
5 of objects. This looks like dog food, the cans here, dog
6 dishes, a trash can. Looks like cat food on that shelf.
7 Right? Can you see that?

8 Can you zoom in on this shelf a little bit,
9 Rich.

10 That's a product having animals and living out
11 in the country I know a lot about, Nature's Miracle. Do you
12 know what that is?

13 A. No, I don't.

14 Q. It's a skunk odor remover, and it works pretty
15 well. Okay. Does that look like the bottle that -- the
16 bloody bottle that was found next to Carol's body?

17 A. It looks similar, yes.

18 Q. Okay. But since you didn't seize the body -- the
19 bottle next to her body, we just don't know whether it was
20 another bottle of this same product; right?

21 A. Correct.

22 Q. Okay. Can you pull back out, Rich.

23 Okay. Now, where would Steve DeMocker hide in
24 this room if you didn't want to be detected?

25 A. I don't know.

1 Q. Okay. Really can't get behind this door here;
2 right? There's not much room behind that door; correct?

3 A. No.

4 Q. Okay. Not likely to hide in the washing machine or
5 in the trash can; right?

6 A. No.

7 Q. Okay. You looked inside the furnace. What were
8 you looking for inside the furnace?

9 A. I just opened it up to look.

10 Q. Okay. Looking for something?

11 A. Yes.

12 Q. Okay. And these are countertop and cabinets on the
13 left-hand side as you go in. There's no place to hide in
14 there; is that right?

15 A. I don't think so, no.

16 Q. Did you and Huante and Brown conduct any
17 experiments to see that if a person were in this room with
18 the lights out whether they could be seen from somebody
19 walking down the hall?

20 A. No, I did not.

21 Q. Does it strike you as likely that if -- let's say
22 this door was closed and let's say that Carol Kennedy opened
23 the door and the lights weren't working. Could -- could she
24 not see somebody standing in this room?

25 A. Depending on the time of the day I would say.

1 Q. Okay. But no experiments were done at about
2 8:00 o'clock; right, which was about the time that the police
3 think that she was attacked? Nobody bothered to do any
4 experiments to see what the lighting in this room at 8:00
5 o'clock at night might be; right?

6 A. As far as I know, no.

7 Q. Okay. Let's go back to the condition of the house
8 when you got there. When you got there, it was obvious to
9 you that police had been in and out of that house overnight;
10 right? There had been police officers there the night of
11 July 2nd, and you're there mid-morning on July 3 for the
12 first time; right?

13 A. Yes.

14 Q. Okay. So you can't tell us anything, I suppose,
15 about the condition of the doors to the house, all the
16 different doors, whether they were locked or unlocked; right?

17 A. Correct.

18 Q. Okay. Do you know whether other police officers
19 noted that?

20 A. No, I don't.

21 Q. That would be important to note, particularly the
22 first responders, if you come upon a body inside a house,
23 wouldn't it be terribly important to know how the person that
24 did that to that person got in and out of the house?

25 A. Yes.

1 Q. Okay. So it would be really important among the
2 very first things to go through and see which doors were
3 unlocked and which doors were locked; right?

4 A. Yes.

5 Q. And then if you found unlocked doors as apparently
6 Taintor did, he found that the doors -- the French doors into
7 the dining room were unlocked. You know that; right?

8 A. No, I don't.

9 Q. You know he got into the house somehow; right?

10 A. Yes.

11 Q. Okay. And you went in through those doors; right?

12 A. Yes, those doors.

13 Q. If I told you that the first responders, Taintor
14 and then the next group, that arrived all went through
15 that -- that door into the dining room, would that surprise
16 you?

17 A. No.

18 Q. Okay. So that door's open; right, apparently?

19 A. Apparently, yes.

20 Q. Okay. Now, wouldn't it also be very important then
21 to fingerprint, if at all possible, the door, the door frame,
22 the glass around the door on the inside and the outside
23 looking for possible latent fingerprints; right?

24 A. Yes.

25 Q. Do you know if anybody did that?

1 A. No, I don't.

2 Q. Okay. Now, the door -- there were two doors into
3 the room where Carol Kennedy's body was found. One from this
4 hallway and the door that led to the outside; right?

5 A. Correct.

6 Q. Okay. Wouldn't it be critically important in this
7 case to attempt to look for latent fingerprints around the
8 door locks and door handles on both of those doors to see who
9 may have left a fingerprint going in and out of that room;
10 right?

11 A. Correct.

12 Q. Do you know who did that?

13 A. I don't know.

14 Q. You don't know if it was done?

15 A. No.

16 Q. Do you know how to do latent fingerprint lifts?

17 A. Yes.

18 Q. How do you do it?

19 A. We use the kit they issue us, and I use the black
20 powder. You dust it and see if there's any visible latents
21 and you lift it with the tape.

22 Q. And then what do you do with the tape?

23 A. Put it on a piece of paper.

24 Q. Put it in a box and send it off to the lab?

25 A. Correct.

1 Q. Okay. And not all fingerprints that can be lifted
2 are necessarily visible to the naked eye; right?

3 A. Correct.

4 Q. Yeah. That's why they're called latent sometimes.
5 You can see -- sometimes you can see a fingerprint or what
6 appears to be a fingerprint, for example, on a mirror and you
7 can -- sometimes you can see that; right?

8 A. Yes.

9 Q. But sometimes like on the wooden surface right in
10 front of you, there might be fingerprints there that we just
11 can't see, but you might be able to lift them; right?

12 A. It's possible, yes.

13 Q. Okay. So fingerprints are a function of the oils
14 on the surface of the skin; right?

15 A. Partly, yes.

16 Q. Okay. And the impressions -- we all have ridges
17 and grooves on the tips of our fingers that may or may not
18 leave impressions on other objects; right?

19 A. Correct.

20 Q. Now, it's -- it's -- it's a myth, isn't it,
21 Detective, at least in your experience that every time we
22 touch something, we leave a perfect fingerprint? You know
23 that's just not true; right?

24 A. Correct.

25 Q. Yeah. And, unaccountably, sometimes you can touch

1 things over and over again and leave no fingerprints or no
2 useable fingerprints and sometimes you may just inadvertently
3 touch a piece of paper and leave a perfect fingerprint? Is
4 that your experience?

5 A. It's possible, yes.

6 Q. So it's important to look in certain logical areas
7 for fingerprints even if they're not visible; right?

8 A. Yes.

9 Q. And some surfaces are more difficult than others at
10 least in your experience to lift fingerprints from; right?

11 A. Yes, there is.

12 Q. And on the door handles, like this door handle in
13 Exhibit 2248, that might be a difficult surface to lift
14 fingerprints; right?

15 A. Yes.

16 Q. Or you might hit the jackpot and find a perfect
17 fingerprint on that surface; right?

18 A. It's possible, yes.

19 Q. But common sense, which I assume you're operating
20 with at every moment, common sense would say if you have a
21 room where there's a dead body presumably whoever did that
22 had to go in or out; right?

23 A. Yes.

24 Q. And if they're not there if when you get there,
25 there's nobody but the dead body, then if they went in or

1 out, it's quite likely that they touched the door handle;
2 right?

3 A. It's possible, yes.

4 Q. If the doors were opened or closed; right?

5 A. It's possible, yes.

6 Q. And they may have touched the surfaces around it.

7 Wood here. Sometimes it's metal. Sometimes it's glass. But
8 the person may have put a hand, even a palm print that you
9 could look for; right?

10 A. It's possible, yes.

11 Q. Okay. But when you're doing this first
12 investigation, you can't look everywhere; right? I mean, you
13 can't -- it's impossible to search every surface of every
14 crime scene; right?

15 A. Correct.

16 Q. I mean, you didn't search in -- you didn't look for
17 fingerprints inside the washing machine for example?

18 A. No, I did not.

19 Q. That wouldn't be something that you would expect to
20 see and just nothing that you would be able to do; right?

21 A. I didn't do that, no.

22 Q. But by contrast, door handles and handles on
23 windows are a likely place to find fingerprints because they
24 are surfaces that are touched by people's hands all the time;
25 right?

1 A. Yes.

2 Q. And maybe you find nothing and maybe you find
3 something; right?

4 A. It's possible, yes.

5 Q. Wouldn't it make sense and wouldn't it be good
6 police practice then to systematically search and try and
7 lift prints from every door handle in this house?

8 A. Yes.

9 Q. Okay. Particularly the doors that go to the
10 outside; correct?

11 A. Correct.

12 Q. Okay. But even doors -- interior doors, the doors
13 down that hallway, the doors into the bedroom, the doors into
14 this laundry room here, those could be a possible source of
15 fingerprint evidence; right?

16 A. Yes, they could.

17 Q. And just like we saw on the light switch, there
18 might be some very small bit of possible biological evidence
19 on these because you found blood on one deadbolt assembly;
20 right?

21 A. Yes.

22 Q. Okay. Now, you looked -- on July 6 after you
23 looked at the light bulbs, you went out and saw this black
24 BMW X3 in the garage; right?

25 A. Yes.

1 Q. And you now have a warrant for that?

2 A. Pardon?

3 Q. Did you have a warrant for a search of that
4 vehicle?

5 A. I'd like to see the search warrant.

6 Q. Sure. We'll get that in a minute.

7 You worked on the July 3rd search warrant;
8 correct?

9 A. Correct.

10 Q. Okay. Could I get the July 3rd search warrant?
11 We'll get that in a second here.

12 While we're looking for that document, let's
13 talk about how that works. That search warrant listed a
14 vehicle that you knew was registered to my client
15 Mr. DeMocker; right?

16 A. Yes.

17 Q. Okay. The search warrant would say typically,
18 wouldn't it, that if you were searching a place like a Bridle
19 Path scene that you could search any and all vehicles that
20 might be found there even if you didn't know in advance what
21 they might be; right?

22 A. Correct.

23 Q. Okay. So you had a search warrant on the 3rd to
24 search Bridle Path, and you came back on the 6th with another
25 search warrant; right?

1 A. The 7th.

2 Q. The 6th.

3 A. The 6th.

4 Q. The 6th is the day. Sunday the 6th.

5 A. The 6th, yes.

6 Q. You came back also on Tuesday the 8th. We'll talk
7 about that in a minute.

8 But when you came back on Sunday the 6th, you
9 were on to the second search warrant. Let me show you
10 Exhibit 2980, which is the July 6th search warrant for
11 Bridle Path. Now, it doesn't say anything about automobiles
12 this time around; isn't that right?

13 A. Correct.

14 Q. Okay. This is a search warrant that your report
15 said was to allow you and Brown and Huante to come back and
16 look for items and evidence that might help you understand
17 the series of events that led to her death; right?

18 A. Yes.

19 Q. What it says -- it's kind of cut off here, but it
20 says -- I'm reading from a page 2 of a fax, but it looks like
21 it says: "Any and all items that may help to verify the room
22 location of Virginia Carol Kennedy during the time that she
23 had been on the phone with her mother during the night of the
24 murder." That's the first bullet point on this July 6 search
25 warrant. Do you see that?

1 A. Yes.

2 Q. Okay. So by the time you came back three days
3 later, you were now interested in another part of this story.
4 You wanted to know where she had been when she was on the
5 phone; right?

6 A. Yes.

7 Q. Okay. What were you thinking of? You and Brown
8 and Huante, what were you thinking of in terms of what you
9 could find that might help you answer that question?

10 A. I don't recall exactly, but trying to determine
11 where she was in the house during the phone call.

12 Q. Okay. And this is a search to look for things;
13 right? You're looking for evidence; right? So if you're
14 looking for some object or some thing, that would help you
15 answer that question; right?

16 A. Correct.

17 Q. Now, yesterday we saw that picture of the empty
18 phone charger on the windowsill in the room where the body
19 was found; right?

20 A. Yes.

21 Q. And that would be a clue, wouldn't it, to what room
22 Carol might have been in when she was on the phone with her
23 mother; right?

24 A. It's possible, yes.

25 Q. Because we know that the other cordless phone was

1 not collected, the one that was on the kitchen counter was
2 not taken by the police; correct?

3 A. Correct.

4 Q. So that apparently was not a clue for some reason?
5 That phone and that charger on the kitchen counter was not
6 considered by you and Brown and Huante to be a clue; right?

7 A. At the time, no.

8 Q. Okay. Now, it would be fairly straightforward,
9 wouldn't it, to determine what phone Carol was talking on as
10 between her landline -- you know what I mean by landline;
11 right?

12 A. Yes.

13 Q. And these cordless phones are landline phones,
14 aren't they?

15 A. Correct.

16 Q. They're not cell phones. They can't be taken to
17 Phoenix and used. They have to be in a certain distance from
18 that base unit; right?

19 A. Yes.

20 Q. Okay. Did you see any other landline phones at
21 Bridle Path besides those two cordless phones, the one in the
22 kitchen and the one by her body?

23 A. No, I did not.

24 Q. So as far as you knew, that was how Carol Kennedy
25 had her landline configured? She had two cordless phones;

1 correct?

2 A. Yes.

3 Q. Were they the same phone number?

4 A. I don't know.

5 Q. Did you ever check to see if Carol had more than
6 one phone number for a landline at the Bridle Path residence?

7 A. I did not, no.

8 Q. Did somebody investigate who made the call? Did
9 Carol call her mother, or did her mother call Carol?

10 A. I don't know.

11 Q. Wouldn't it have been relatively easy to figure out
12 by calling the mother what number she called Carol on, just
13 call up Mrs. Kennedy in Nashville and say, what number did
14 you call your daughter on; right?

15 A. Yes.

16 Q. Okay. Was that ever done?

17 A. To my knowledge, no.

18 Q. And there would presumably be a different number
19 assigned to that cell phone that you seized off the counter;
20 right?

21 A. Yes.

22 Q. Okay. And you all didn't look at the cell phone at
23 that point to see whether or not there were calls on that
24 cell phone between Carol and her mother in Nashville; right?

25 A. I didn't, no.

1 Q. You said that it was bagged up and taken away;
2 right, for examination?

3 A. Correct.

4 Q. Nobody opened it up on the scene and powered it up
5 to see what it said; right?

6 A. I didn't.

7 Q. There's a lot of information stored in a cell
8 phone, isn't there?

9 A. Possible, yes.

10 Q. Numbers called, calls received. There's a whole
11 host of data that an average cell phone can deliver; right?

12 A. Correct.

13 Q. Text messages if the phone has that capacity,
14 that's important to know; right?

15 A. Yes.

16 Q. Now, anything else that you were looking for on
17 July 6th that you thought might help to verify where Carol
18 was?

19 A. No.

20 Q. Okay. So you got a search warrant. You persuaded
21 Judge Kennedy, the justice of the peace for the Mayer
22 precinct, that there was probable cause to believe that a
23 crime had been committed and that you needed to search the
24 house for these items. Okay. And this search warrant was
25 sworn out by Brown; right?

1 A. Yes.

2 Q. Okay. Help me out here, Detective. I wasn't there
3 and I wasn't part of your conversations. What were you all
4 thinking you were going to find that might answer the
5 question of where Carol was?

6 A. I don't recall. Just like I said earlier, the
7 question I had on the light bulbs, I wanted to find out if
8 they were operable or not.

9 Q. What does that have to do with where Carol was on
10 the phone with her mother, which is what's in the search
11 warrant?

12 A. It doesn't.

13 Q. Okay. You know that the phone -- I mean everybody,
14 everybody being you and Brown and Huante, knew perfectly well
15 that there was a phone next to the body; right?

16 A. Yes.

17 Q. And you could see that? It was in the photographs,
18 and you said you saw it yourself on July 3; right?

19 A. Yes.

20 Q. Okay. So at some point, it's possible, isn't it,
21 that Carol was in that room with the phone; right?

22 A. It's possible, yes.

23 Q. That room being the room where her body was found;
24 right?

25 A. Yes.

1 Q. And it's also possible that that phone was brought
2 in by whoever killed her and put in that room; right?

3 A. It's possible, yes.

4 Q. Okay. But how would you know that?

5 A. I don't.

6 Q. Okay. I'm just trying to think here just to
7 pretend for a minute that I'm a detective and I'm not doing a
8 good job here because I can't think of anything that you
9 possibly could have found or even looked for in the house
10 that would have helped answer the question of where Carol had
11 been during the time she was on the phone with her mother. I
12 can't think of a single thing. Can you help me?

13 A. No.

14 Q. Okay. Now, you also came looking for photographs
15 of the interior and exterior of the residence and any trace
16 evidence that may indicate that the suspect had been in any
17 other room of the house other than the room of occurrence.
18 Okay. I know what photographs of the interior and exterior
19 are. That's pretty obvious.

20 Trace evidence we've talked about. There are
21 all kinds of things that could be trace evidence; right?

22 A. Yes.

23 Q. Okay. And tell me then on July 6th, 2008 what
24 trace evidence you all collected from that scene that you
25 thought might indicate that the suspect was someplace else

1 other than the room where the body was found.

2 A. The deadbolt was collected.

3 Q. Okay.

4 A. There were swabs collected.

5 Q. Okay. So that's -- is that the day -- is
6 July 6th the day that you saw what you thought might be
7 blood on that door lock assembly on the north door?

8 A. Yes.

9 Q. Okay. And that apparently had been overlooked on
10 the 3rd when the house had been searched the first time?

11 A. Apparently.

12 Q. Okay. And you saw it and the assembly was
13 collected and eventually we know that it was swabbed; right?
14 We looked at the swab pictures.

15 A. Correct.

16 Q. Okay. And anyplace else?

17 A. The light bulbs were collected.

18 Q. Okay.

19 A. The cordless home phone charger on the kitchen
20 counter.

21 Q. That day?

22 A. Correct.

23 Q. Okay.

24 A. The BMW was collected.

25 Q. Okay. And that's Katie's BMW, the black X3 that

1 was in the garage; right?

2 A. Correct.

3 Q. Okay. And was that examined before it was -- when
4 you say it was collected, it was towed away; right?

5 A. Correct.

6 Q. Was that examined for possible trace evidence?

7 A. On scene, no.

8 Q. Okay. There was a flashlight that you talked about
9 yesterday that may have had what you thought was blood on it.
10 Where was that flashlight?

11 A. In the car.

12 Q. Okay. Did that turn out to be blood?

13 A. No.

14 Q. Okay. And there was a -- a substance -- let me see
15 what you -- how you describe it here. Possible blood
16 evidence in the victim's daughter's vehicle front passenger
17 seat; right?

18 A. Correct.

19 Q. What did that look like?

20 A. It was reddish and dry.

21 Q. Okay. And where on the seat was it?

22 A. The passenger's seat.

23 Q. Okay. The back? The side? The top?

24 A. The seat crease.

25 Q. The crease between the back and the front of the

1 seat?

2 A. Yes.

3 Q. Okay. And do you know what that actually turned
4 out to be?

5 A. No, I do not.

6 Q. Part of a candy bar. Does that sometimes look like
7 dry blood?

8 A. I guess.

9 Q. Okay. And was there a theory then that maybe
10 whoever did this went in or out of the north door, went down
11 that hallway from the room where Carol's body was found, and
12 out the door towards the garage? Was that a theory that you
13 and Brown and Huante were working on on the 6th of July?

14 A. I don't know if it was a theory that was discussed.
15 It was just something that was talked about, yes.

16 Q. Okay. And then the theory might have been that the
17 perpetrator went into the garage to try and get a car; right?

18 A. No.

19 Q. Okay. So this blood evidence that was on Katie's
20 BMW, was that in your mind connected to the murder of Carol
21 Kennedy?

22 A. It was possible, yeah.

23 Q. Okay. By July 6, you knew that was Katie's car;
24 right?

25 A. Yes.

1 Q. And you told us that you knew that Katie was out of
2 the country on the night of the murder; right?

3 A. Correct.

4 Q. So why is blood evidence on Katie's car connected
5 to this murder?

6 A. I don't know.

7 Q. Okay. The person went out -- the person -- if
8 somebody wanted to go from inside the house to the garage,
9 they would logically go out that north door where you found
10 what you thought was blood on the deadbolt; right?

11 A. Correct.

12 Q. Turn left, go down a couple of stairs and into the
13 garage; right?

14 A. Yes.

15 Q. And then you thought you saw blood on a flashlight
16 and blood on the passenger's seat of the car; right?

17 A. Possible, yes.

18 Q. Okay. Well, are you saying that it wasn't in your
19 mind on July 6 that that's maybe where the murderer went,
20 that the murderer went down the hall, out the door and at
21 least touched the car or things in the car?

22 A. It's possible, yes.

23 Q. And you thought maybe that flashlight might even be
24 the murder weapon; right?

25 A. No, I did not.

1 Q. Too small?

2 A. No.

3 Q. Just didn't think it was a murder weapon?

4 A. I collected it.

5 Q. Okay. But you didn't think it was the murder
6 weapon?

7 A. At the time I didn't know whether it was or not.

8 Q. Okay. So it could have been?

9 A. It's possible.

10 Q. And you collected it not only because it had blood
11 on it because it might be Carol's blood and that might have
12 been something that Carol was struck with; right?

13 A. It's possible, yes.

14 Q. Okay. It turned out not to be blood; right?

15 A. Correct.

16 Q. Now, on the 6th, you had your first encounter with
17 Jim Knapp; right?

18 A. Yes.

19 Q. Tell us about that.

20 A. It was a short encounter. Talked to him briefly.
21 I'd asked him if he would allow me to search his vehicle.

22 Q. Okay. So you and Brown and Huante are there that
23 morning. Is Knapp's truck there when you get there?

24 A. I don't know if he was there before we got there.
25 I don't know. I don't recall.

1 Q. Okay. Well, it would have been fairly important I
2 would assume if you were going to come back on a crime scene
3 with a search warrant to do what the police did the first
4 time around, which is to see who's there; right?

5 A. Yes.

6 Q. I mean, for all you knew, whoever killed Carol
7 could be back at the scene; right?

8 A. It's possible, yes.

9 Q. So it wouldn't have been a good idea for you all
10 just to walk inside the house without making some effort to
11 determine whether it was occupied; right?

12 A. Correct.

13 Q. Okay. And the same goes for the guesthouse; right?

14 A. I don't know.

15 Q. Well, the guesthouse is only a matter of feet away
16 from where you and Brown and Huante were going to be; right?

17 A. Correct.

18 Q. If the person or persons that killed Carol were in
19 the guesthouse, you'd sure want to know about that before you
20 started searching the main house; right?

21 A. Yes.

22 Q. So did you all contact Knapp when you got there?

23 A. I didn't, no.

24 Q. Okay. Where did you contact Knapp? Where were
25 you?

1 A. I talked to Knapp outside the garage area.

2 Q. The garage of the main house or the garage of the
3 guesthouse?

4 A. The main house.

5 Q. Okay. He had walked over there?

6 A. He drove there.

7 Q. His car was over there?

8 A. I can't remember if he drove there when we were
9 standing outside or if it was already there. I don't recall.

10 Q. Well, if you and Brown and Huante drove up and you
11 saw there was now a vehicle back at the scene, that would
12 have been a pretty good indication to you that there was
13 somebody there; right?

14 A. Yes, it would.

15 Q. Yeah. Because the other vehicle -- there were two
16 other vehicles. There was Carol's vehicle and her daughter's
17 vehicle in the garage; right?

18 A. Yes.

19 Q. Okay. And you knew that Carol wasn't going to be
20 driving her vehicle, and you knew that Katie's vehicle was
21 going to be seized; right?

22 A. Yes.

23 Q. Okay. So you didn't expect to see any vehicles
24 outside unless it was Knapp; right?

25 A. I guess, yes.

1 Q. Okay. And do you remember now whether as you drove
2 up you saw Knapp's truck?

3 A. I don't recall, no.

4 Q. Okay. But at some point you see Knapp. Are you
5 the first person among the three of you to talk to him?

6 A. I don't think so, no.

7 Q. Okay. Who had been talking to him?

8 A. I believe Detective Brown was talking with him.

9 Q. Do you know if Brown had gone over and contacted
10 Knapp?

11 A. No, I don't.

12 Q. Do you know what Knapp was doing over there while
13 you were doing the search? Why was he there?

14 A. I don't remember why he was there, no.

15 Q. Okay. You certainly wouldn't want to have
16 civilians -- uninvited civilians around while you were
17 conducting a search; right?

18 A. Correct.

19 Q. Particularly somebody like Knapp; right?

20 A. I don't know. Particularly, I don't know.

21 Q. Well, on July 6, 2008, you know that Mr. Knapp's
22 alibi had not even been confirmed; correct?

23 A. I don't know.

24 Q. Okay. So he's just out there; right? He's just
25 outside the -- outside the garage standing there talking.

1 Was he talking to Brown when you walked up to him?

2 A. Initially, yes.

3 Q. Okay. And what was your discussion with Knapp? I
4 don't want to know what you said, but what were you all
5 talking about?

6 A. What was I talking with him about?

7 Q. Yes.

8 A. I don't recall. Maybe something about the kids,
9 something -- some small talk maybe. I asked him about his
10 vehicle, and he said, yes, you can search it.

11 Q. Okay. This is now three days after the murder;
12 right, two and a half days after the murder?

13 A. Yes.

14 Q. Okay. And tell me about the search of his vehicle.
15 You searched it; right?

16 A. Yes.

17 Q. Where did you search?

18 A. The entire vehicle.

19 Q. What were you looking for?

20 A. Anything.

21 Q. What did you find?

22 A. Nothing.

23 Q. There was nothing in his vehicle?

24 A. Nothing that I wanted to collect or seize.

25 Q. Okay. If there was something of evidentiary value

1 in the murder in his vehicle, that would be somewhat
2 surprising two and a half days after the murder; right, that
3 he would drive up with bloody clothing or a murder weapon in
4 his car? You wouldn't expect that, would you?

5 A. That, no.

6 Q. Did you take any pictures of Mr. Knapp's vehicle
7 when you did that search?

8 A. No, I did not.

9 Q. Did anybody help you with it?

10 A. No.

11 Q. How long did it take?

12 A. 10, 15 minutes.

13 Q. Okay. Then apparently Mr. Knapp was invited into
14 the house; right?

15 A. Apparently, yes.

16 Q. By whom?

17 A. I don't remember. Maybe Detective Brown, I
18 believe.

19 Q. Okay. Your report from July 17 says: "Also during
20 our search tenant Jim Knapp walked through the house with us
21 to try and help find anything out of place." Is that what
22 happened?

23 A. Yes.

24 Q. Where was Knapp taken?

25 A. I don't remember.

1 Q. Who was talking to him?

2 A. Detective Brown.

3 Q. Okay. So we'd have to ask Brown about that
4 conversation; right? Did you hear it?

5 A. I don't believe I was with him the whole time, no.

6 Q. Okay. Looking for anything that was out of place,
7 is that an accurate description of what Knapp was doing for
8 you all?

9 A. It appeared so, yes.

10 Q. Okay. And that would be perhaps to rule in or out
11 the possibility of a burglary; right?

12 A. Yes.

13 Q. So that -- if this was a burglary interrupted or a
14 burglary completed, if Knapp said, you know, she used to have
15 a priceless vase on that table, that would be an important
16 fact; right?

17 A. Yes.

18 Q. And what basis did you have to believe that Knapp
19 knew the contents of Carol's home?

20 A. I didn't.

21 Q. That would be important; right?

22 A. Yes.

23 Q. We've seen from these pictures that there were
24 many, many things in Carol Kennedy's house; right?

25 A. Yes, there is.

1 Q. Did Knapp say he saw anything out of place?

2 A. I don't recall, no.

3 Q. Okay. Your report says: "Other than pointing out
4 that the lights did not work in the laundry room Knapp
5 provided nothing more." How did Knapp know the lights didn't
6 work in the laundry room?

7 A. I believe someone asked him about the lights in the
8 laundry room.

9 Q. What was Knapp doing in the laundry room?

10 A. I don't think he went inside the laundry room.

11 Q. How did Knapp know that the lights didn't work?

12 A. I can't remember if myself or Detective Brown asked
13 him about the lights in the laundry room if they worked or
14 not.

15 Q. Okay. How would he know that?

16 A. I don't know.

17 Q. Okay. But he said they didn't work?

18 A. Apparently.

19 Q. Okay. Did you get the impression that Knapp had
20 frequently been inside this house?

21 A. That day?

22 Q. No, just in general before the murder.

23 A. Not really, no.

24 Q. Okay. He didn't seem terribly familiar with it?

25 A. The layout maybe.

1 Q. Okay. What about the things in the house, did he
2 seem to be intimately familiar with what Carol Kennedy had?

3 A. I don't recall, no.

4 Q. Okay. So he wouldn't have been of much use to you
5 and Huante and Brown if he didn't know what Carol Kennedy
6 had; right?

7 A. No.

8 Q. Did Knapp give you his theory of what happened that
9 day?

10 A. No.

11 Q. Did Knapp ever provide you with his personal theory
12 about how Carol died?

13 A. Not to me, no.

14 Q. Did Knapp tell you that he thought Steve DeMocker
15 had killed her?

16 A. He didn't tell me that, no.

17 Q. Did you hear him tell Brown or Huante that?

18 A. No.

19 Q. Is that the only time you met Knapp?

20 A. I believe so, yes.

21 Q. Okay. Now, the last time you were out there was
22 July 8th; right, that Tuesday; right?

23 A. Yes.

24 Q. Okay. Now, when you cleared the scene, it looks
25 like you don't have times here in your report, but on the 6th

1 when you left, there were no further searches done of the
2 Bridle Path residence after you all left on the 6th of July
3 until you came back on Tuesday the 8th; is that right?

4 A. Correct.

5 Q. How long were you there on the 6th?

6 A. Can I look at the supplements?

7 Q. Sure.

8 A. Approximately 4:00 o'clock.

9 Q. So you were there from 8:00 o'clock in the morning
10 until 4:00 in the afternoon?

11 A. Approximately, yes.

12 Q. Okay. And when you left, was Knapp there?

13 A. I don't think so, no.

14 Q. Did you lock the house up when you left?

15 A. Did I?

16 Q. Did anyone? Did you or Brown or Huante?

17 A. I didn't, no.

18 Q. Was the house unlocked when you got there at 8:00
19 o'clock on the 6th?

20 A. I don't recall, no.

21 Q. How did you get in?

22 A. The arcadia doors.

23 Q. Did someone have a key?

24 A. I don't recall.

25 Q. Were the dogs there?

1 A. I didn't see any dogs, no.

2 Q. At all that entire day?

3 A. That day, no.

4 Q. Okay. And so you don't have a recollection of
5 whether the house was secure when you and Brown and Huante
6 left at about 4:00 on the 6th of July; correct?

7 A. No.

8 Q. Do you know whether Knapp had a key?

9 A. No, I don't.

10 Q. Do you know whether any of the other neighbors had
11 keys?

12 A. No, I don't.

13 Q. Do you know whether there was a hide-a-key?

14 A. No, I don't.

15 Q. Did you get the impression that Knapp -- on the 6th
16 of July that Knapp had been inside that house after
17 July 3rd, but before you got there on the 6th?

18 A. No.

19 Q. Okay. Did you see the blanket that Knapp said that
20 he put over the blood where Carol's body had been?

21 A. No.

22 MR. BUTNER: Objection. Hearsay.

23 MR. SEARS: I can rephrase.

24 BY MR. SEARS:

25 Q. Did you see a blanket over blood in the room where

1 Carol Kennedy's body was?

2 A. No.

3 Q. Did you ever hear that there was a blanket placed
4 over --

5 A. I don't recall, no.

6 Q. Do you know whether Knapp or anyone else was able
7 to go in and out of the Bridle Path house between
8 4:00 o'clock on July 6th and the time you came back at
9 about 1:00 o'clock in the afternoon on Tuesday the 8th?

10 A. No.

11 Q. You came back with a third search warrant; is that
12 right, that Tuesday; is that right?

13 A. Correct.

14 Q. Okay. And this search warrant now is looking for a
15 computer and financial records; right?

16 A. Yes.

17 Q. The computer was what has been described as a
18 crashed computer that was in the garage; correct?

19 A. Correct.

20 Q. Okay. And so that computer had not been taken in
21 either of the first two search warrant rounds, the 3rd or the
22 6th; correct?

23 A. Correct.

24 Q. And what financial records were you looking for
25 this time?

1 A. I would have to look at the search warrant to
2 actually see what the financial records were.

3 Q. Go ahead.

4 A. It's not in this one.

5 Q. It would be the second, the one on the 8th. Bear
6 with me, Detective. We'll pull that search warrant for you.

7 And while we're getting that, were you
8 involved in the preparation of either the 6th or the 8th
9 search warrants?

10 A. In typing it, no.

11 Q. Or providing information that went into the
12 affidavit?

13 A. I don't think so, no.

14 Q. Okay. Do you remember a discussion with Brown
15 talking about this crashed computer and the need to collect
16 that as you collected all the other computers in the house?
17 Do you remember that discussion in advance of going out there
18 on the 8th?

19 A. Vaguely, yes.

20 Q. Okay. Let me show you -- this is Exhibit 795.
21 This has not been admitted, but I will tell you that this is
22 a complete unredacted search warrant for July 8th. See if
23 you can look at anything in there that will refresh your
24 recollection about these financial records that were part of
25 that search warrant.

1 MR. BUTNER: Judge, I'd like to note an
2 objection. I think he's going to ask him to testify from the
3 search warrant that's not in evidence.

4 MR. SEARS: Actually, what I asked him, your
5 Honor, was whether he could refresh his recollection by
6 looking at this unadmitted document.

7 THE COURT: Mr. Butner, do you need to look at
8 this?

9 MR. BUTNER: I'm familiar with that document.
10 I just think that we probably need to put it into evidence.
11 That is a certified copy of that.

12 MR. SEARS: Well, this is -- this is the
13 unredacted one. If we take a moment, I can find the redacted
14 July 8 search warrant which will have the same information.

15 THE COURT: Let's use that. But for the
16 limited purpose of refreshing his recollection, I think it's
17 probably proper, but why don't we get the actual exhibit.

18 MR. SEARS: I will. Jennifer. We're looking
19 for it.

20 THE COURT: So, Detective, please stop your
21 review there for a second and let's get the actual exhibit
22 that's been admitted.

23 MR. SEARS: I've given you too much. I'm
24 going to take it away.

25 (Brief pause.)

1 THE COURT: Mr. Sears, maybe we'll take the
2 morning recess.

3 MR. SEARS: Yeah, that will be fine, your
4 Honor. We're a little early.

5 THE COURT: And you can find your exhibits.

6 MR. SEARS: Sure. Thank you.

7 THE COURT: Ladies and gentlemen, please
8 remember the admonition. We'll take the morning recess at
9 this time. Let's reassemble in about 15 minutes, let's say
10 25 to. And, Detective, recall the rule of exclusion. Thank
11 you.

12 THE WITNESS: Yes, sir.

13 (Recess from 10:17 a.m. to 10:42 a.m.)

14 THE COURT: Thank you. Please be seated.

15 The record will show the presence of the
16 defendant, all of the attorneys, and the jury. Detective
17 Jaramillo is on the witness stand.

18 Mr. Sears.

19 MR. SEARS: Thank you.

20 BY MR. SEARS:

21 Q. Before we move on to the last of the three searches
22 at Bridle Path that you were involved in on July 8th, I
23 want to ask you just a couple more questions about the inside
24 of the main house on July 3. And the first thing I'd like to
25 show you is Exhibit 2249, which you looked at yesterday with

1 Mr. Butner. Okay. And you recognize that as the laundry
2 room down the hall. This time, we're looking up at the
3 mechanical equipment, but also you were looking yesterday at
4 this track lighting fixture with Mr. Butner; right?

5 A. Yes.

6 Q. Do you know what this rectangular object is here in
7 the ceiling?

8 A. No. I can't tell, no.

9 Q. Okay. Did you see a skylight in this laundry room
10 when you were there?

11 A. I don't remember.

12 Q. Okay. Can you see that that's a skylight?

13 A. It appears so. I don't know.

14 Q. Okay. Do you know where that skylight was or what
15 is directly above that skylight?

16 A. No, I don't.

17 Q. When you were up in the hallway loft area, do you
18 know what I'm talking about, the one that you got the outside
19 ladder to access in this hallway?

20 A. Yes.

21 Q. Did you notice that there was in the floor of that
22 loft a rectangular skylight that would be again the other
23 side of this skylight in the ceiling of the laundry room?
24 Did you see that?

25 A. I don't remember, no.

1 Q. If you stepped on it, you surely would have noticed
2 it because you probably would have fallen through into the
3 laundry room; right?

4 A. Yes.

5 Q. Okay. And did you see that in the ceiling in the
6 loft above there was another skylight? Did you see that?

7 A. I don't remember.

8 Q. Okay. So if, in fact, this is a skylight and
9 you're not prepared to tell me that you agree that this is a
10 skylight; is that right?

11 A. I can't tell from the photo, no.

12 Q. Let just assume that it was. That might be another
13 potential source of a light inside this room in addition to
14 these ceiling light fixtures; right?

15 A. I don't know.

16 Q. Skylights are often put in rooms to bring light
17 into the room; right?

18 A. Yes.

19 Q. That would be why they're called skylights;
20 correct?

21 A. Yes.

22 Q. Okay. And so if this was a skylight, would you
23 agree that it was another potential source of light in this
24 laundry room; right?

25 A. Yes.

1 Q. And it would not be dependent on light bulbs? It
2 would be dependent on what light source there was above it;
3 correct?

4 A. Correct.

5 Q. And that could be natural light? That could be one
6 kind of light that could come through that skylight; right?

7 A. Yes.

8 Q. And it could be light from outside the house;
9 right?

10 A. Yes.

11 Q. And it could be artificial light in the hallway
12 might somehow filter into this laundry room through that
13 skylight; right?

14 A. I don't know.

15 Q. If that whole hallway area including the loft were
16 lit up with artificial light, would it be possible for that
17 light to come through the skylight?

18 A. I don't know. I'd have to see it.

19 Q. You're not a lighting expert?

20 A. No.

21 Q. Now, let me -- one last lighting question then.
22 Let's take a look at the photograph that we looked at a few
23 moments ago, which is the photograph that looks down the
24 hallway towards those plastic tubs. Do you remember we
25 looked at that photo?

1 A. Yes.

2 Q. And that is Exhibit 2242. Okay. I think this is
3 good the way it is. This is a little bit dark, okay. You
4 can see that looks like the flash from the camera maybe
5 reflecting off this mirror or this picture frame at the end
6 of the hall; right?

7 A. I don't know.

8 Q. Okay. You see there are these -- there's a light
9 fixture here; right? And it would appear in this photograph
10 that that light is on; correct, this light?

11 A. There's some light there. I don't know.

12 Q. Well, if you want to step down and look at it, I
13 think it might --

14 A. Well, I can see it. I don't know if that's the
15 light coming from the bulb.

16 Q. Okay. Well, if it's not coming from the bulb,
17 what's it coming from?

18 A. I don't know.

19 Q. Okay. And this light fixture here at the end of
20 the hallway looks very similar, if not identical, to this
21 light fixture, doesn't it? It's the same shape generally?

22 A. Yes.

23 Q. And that light fixture does not appear to be on,
24 does it?

25 A. There doesn't appear to be any light coming from

1 it, no.

2 Q. And do you see this switch here on the right-hand
3 side of Exhibit 2242?

4 A. Yes.

5 Q. Okay. Which lights are controlled by that switch?

6 A. I don't know.

7 Q. Okay. Do you know how these hall light -- I think
8 they're called sconces. Do you know how these sconce lights
9 are operated?

10 A. No.

11 Q. You don't know which switch turned them on?

12 A. No.

13 Q. Did you conduct any investigation to see whether
14 somebody had unscrewed the light bulb in this sconce at the
15 end of the hall?

16 A. No.

17 Q. Did you even look to see if there was a light bulb?

18 A. No.

19 Q. Okay. You were interested in the lights in the
20 laundry room and why the lights in the laundry room didn't
21 work; right?

22 A. Yes.

23 Q. Enough to come back three days later on the 6th of
24 July to look at them again; right?

25 A. Yes.

1 Q. But you weren't interested in this light, which is
2 a couple of feet from the door to the room where the body
3 was? You weren't interested in that light?

4 A. At the time, no.

5 Q. Were you ever interested in it again?

6 A. No.

7 Q. Okay. Now, on July 8th, you came back. The
8 warrant says you're looking for the computer and financial
9 records. Your report says that when you got to the
10 residence, when you got inside, you decided to check the
11 doors to see if they were secure; is that right?

12 A. Yes.

13 Q. Tell me about that. What did you do?

14 A. Just checked to see if they were secured.

15 Q. Why?

16 A. I don't know. I just wanted to check them.

17 Q. Okay. Had you checked the doors to see if they
18 were secure when you left at 4:00 o'clock on the 6th?

19 A. No.

20 Q. Had you checked to see whether the doors were
21 secure when you got there at 8:00 o'clock in the morning on
22 the 6th?

23 A. No, I did not, no.

24 Q. Well, what was it about the afternoon of July 8th
25 that made you think about checking the doors for the first

1 time?

2 A. I don't know.

3 Q. Did you -- were you concerned that a number of days
4 had passed between these three searches where people could
5 get into the unsecured house?

6 A. I don't know.

7 Q. You knew that though? You knew that the house --
8 the house was not secured by the police between the 3rd,
9 sometime in the evening of the 3rd and 8:00 o'clock in the
10 morning of the 6th? You know that there was no police
11 officers there keeping people out of the house in that time
12 period; right?

13 A. There were no officers there, no.

14 Q. Between the first and second search, the house was
15 accessible to anyone who had a way to get in; correct?

16 A. There was no officers there, no.

17 Q. Okay. And the house would have been accessible to
18 someone who had a way to get in; correct?

19 A. I don't know.

20 Q. If the doors were open, anybody could have gotten
21 in; right?

22 A. Anybody could have, yes.

23 Q. And if someone had a key when the doors were
24 locked, that person could have used that key to get in;
25 correct?

1 A. If they had a key.

2 Q. Now, between the 6th and the 8th, when you left at
3 4:00 o'clock on the 6th and you came back at 1:00 o'clock on
4 the 8th, you can't tell us whether the house was secure
5 during that period of time, can you?

6 A. I cannot.

7 Q. Did you ever hear from neighbors that they had been
8 in the house to look after the pets?

9 A. I did not.

10 Q. Did you ever hear from Knapp that he had been in
11 and out of the house during that period of time?

12 A. No.

13 Q. Did Brown or Huante seem to think when you were
14 with them on the 8th that Knapp had been in and out of the
15 house when the police weren't there between the 3rd and the
16 8th?

17 A. I don't know.

18 Q. Okay. Now, to your knowledge, there were no bloody
19 footprints or any blood found along this hallway leading from
20 the room where the body was back to -- back to that north
21 door? You didn't see any blood on that tile there, did you?

22 A. I didn't, no.

23 Q. Okay. And maybe you can lighten this up a little
24 bit, Rich. Okay. I think you can see now on 2242 a little
25 more clearly. This is Saltillo or Mexican tile; correct,

1 this hallway?

2 A. Yes.

3 Q. And did you see anyone, any DPS or criminalists or
4 police officers, examining this floor on July 3, 2008?

5 A. No, I did not.

6 Q. Okay. You said you had your booties on when you
7 were walking down there, and that would have been in part to
8 not disturb evidence that might be on this tile floor; right?

9 A. Correct.

10 Q. And so the scene, the room where the body was, the
11 folks on the jury has seen this now a number of times, there
12 was a considerable amount of blood just on the carpet in that
13 room; right?

14 A. Yes.

15 Q. So it might have been possible whoever killed Carol
16 Kennedy to track blood out of that room and down the hallway
17 if they came that way; right?

18 A. I don't know.

19 Q. Okay. But you found blood on the north door
20 handle, so if you continue down this hall and got to the end
21 and turned right, turned north, you found eventually on
22 July 6th what you thought was blood on the deadbolt there;
23 right?

24 A. Yes.

25 Q. Okay. And so one thought that you all had was

1 maybe the perpetrator, whoever did this, tracked blood on
2 their hands somehow and got blood on that deadbolt as they
3 were leaving the house; right?

4 A. Someone did, yes.

5 Q. Because that's the deadbolt on the inside; right?

6 A. Yes.

7 Q. So presumably whoever touched it, if it's transfer
8 of blood was leaving; right?

9 A. I don't know.

10 Q. Okay. And that person might have tracked blood in
11 the hallway, but no blood was ever found in this hallway;
12 right, or no evidence of any blood was ever found in this
13 hallway on this tile floor; right, to your knowledge?

14 A. No.

15 Q. What about Knapp? If Knapp had been in the house
16 during these periods of time, he might have touched something
17 that had blood on it? That's possible; right?

18 A. I don't know.

19 Q. And Knapp could have touched that doorknob; right?

20 A. I don't know.

21 Q. Was he ever asked whether he touched any blood?

22 A. I didn't ask him, no.

23 Q. Was he ever asked whether he touched that bloody
24 doorknob because that blood was discovered by you on the day
25 that Knapp was walking around in the house; right?

1 A. Yes, the blood was found on the door on the 6th.

2 Q. Okay. If it turned out that Knapp transferred
3 Carol's blood to that deadbolt assembly there, that would
4 change the crime scene significantly, wouldn't it?

5 A. I don't know. If that's what happened. I don't
6 know.

7 Q. Well, think about this. If one theory is that
8 Steve DeMocker transferred Carol's blood and that was Steve
9 DeMocker going out that north door, that would be an
10 important fact in this case; right, in the prosecution of
11 Steve DeMocker; right?

12 A. I don't know. I mean, yes, I guess.

13 Q. Okay. But on the other hand, if Jim Knapp got into
14 the crime scene after the police were done on July 3rd and
15 inadvertently transferred Carol's blood there, that changes
16 that theory about Steve DeMocker completely, doesn't it?

17 A. I don't know.

18 Q. But the reason that you don't want people in a
19 crime scene like Jim Knapp or anybody else, neighbors feeding
20 the cats or anybody else, is exactly that, isn't it,
21 Detective, that they can change a crime scene that you're not
22 finished with; right?

23 A. It's possible, yes.

24 Q. And you all weren't finished with this crime scene
25 until July 8th; right?

1 A. Correct.

2 Q. There were two periods of time between the first
3 and second and the second and third search when the crime
4 scene might have been accessible to Knapp and a host of other
5 people; right?

6 A. I don't know.

7 Q. And as you sit here today, you can't even tell us
8 whether or not when you all left, you all being Brown and
9 Huante, left on July 6 at 4:00 o'clock you locked the door
10 behind? You can't even tell us that; right?

11 A. I didn't, no.

12 Q. Okay. Did you see Brown or Huante securing any
13 doors before you left?

14 A. I don't recall, no.

15 Q. Why in the world would you have left a crime scene
16 on July 6th and not have been certain that the doors were
17 locked behind you if you were going to leave that crime
18 scene? Why would you do that?

19 A. I don't know.

20 Q. Okay. Now, on July 8th you did this inspection of
21 the doors. Tell me what you found. You said you checked
22 each of the doors and began checking the exterior first. So
23 you were outside the house; right?

24 A. Correct.

25 Q. And what was the condition of each of the doors

1 that you checked on July 8 at about 1:00 o'clock in the
2 afternoon?

3 A. They were secure.

4 Q. Every door was locked?

5 A. Yes.

6 Q. Okay. And did you make notes of that?

7 A. No.

8 Q. So if Brown and Huante -- are Brown and Huante with
9 you on the 8th when you go back?

10 A. Yes.

11 Q. Okay. Anybody else?

12 A. I don't recall, no.

13 Q. Okay. And do they wait while you check all the
14 doors?

15 A. I don't know.

16 Q. How'd you get in?

17 A. I don't recall, no.

18 Q. The doors were locked; right? You're sure of that?

19 A. Correct.

20 Q. You didn't have a key? You're sure of that?

21 A. Correct.

22 Q. Brown and Huante didn't have a key? You're sure of
23 that?

24 A. No, I'm not.

25 Q. Okay. Do you have any recollection as you sit here

1 today how you and Brown and Huante got into this house on the
2 afternoon of July 8th? Do you have any recollection?

3 A. No, I don't.

4 Q. Did Knapp let you in?

5 A. I don't recall, no.

6 Q. But you got inside?

7 A. Yes.

8 Q. Okay. Then did you go around and check the doors
9 again from the inside, or were you done with checking the
10 doors?

11 A. I didn't check the inside, no.

12 Q. Okay. When you were checking the outside, how did
13 you check them?

14 A. Just visually and turned the knob.

15 Q. Did you have gloves on?

16 A. Yes.

17 Q. Okay. Now, when you got inside though, when you
18 were looking at this front door of the house -- and let me --
19 Rich, if we could have that picture of the kitchen looking at
20 the front door.

21 Okay. This is 2322 coming up on the screen
22 here. And we've looked at this before, and you told us that
23 this is the front door, the main door to the house on the
24 west side; correct?

25 A. Yes.

1 Q. Okay. Your report of July 17th says when you got
2 to that door when you were doing the outside check, you
3 thought you saw what appeared to be blood stain; right?
4 Where?

5 A. I'd have to look at the photographs.

6 Q. On the outside or the inside?

7 A. On the outside.

8 Q. On the outside. Okay. We'll get some photographs
9 up here.

10 So was that the first door you went to?

11 A. Yes.

12 Q. And you looked down at the door. What part of the
13 door handle? Do you remember?

14 A. No, I don't.

15 Q. Okay. What did it look like?

16 A. Just reddish.

17 Q. Okay. Who took those pictures?

18 A. I don't know.

19 Q. Was somebody with you taking pictures?

20 A. No.

21 Q. Okay. So there aren't any pictures of what you saw
22 on the door handle on July 8th?

23 A. I don't know.

24 Q. You didn't take any pictures of it; right?

25 A. I didn't, no.

1 Q. Did you see Brown or Huante take pictures of the
2 door handle where you thought you saw blood?

3 A. I don't remember, no.

4 Q. So what pictures would you like to look at?

5 A. Of the exterior door.

6 Q. Okay. Just to refresh your recollection of what it
7 looks like?

8 A. Correct.

9 Q. Okay. Rich, can you zoom on the door from the
10 inside, please.

11 Okay. You can see here that there appears to
12 be a lever and then above it a deadbolt assembly. Can you
13 see that?

14 A. Yes.

15 Q. Okay. Presumably, the deadbolt assembly would go
16 through to the other side; correct?

17 A. Correct.

18 Q. And presumably there's some kind of a
19 corresponding it might be a lever, it might be a knob on the
20 other side of this lever on the inside; correct?

21 A. Yes. A handle, yes.

22 Q. Okay. And we'll see what it looks like if we can
23 find a picture that we can zoom in on the other side. But
24 this is the door -- these are the locks that you're talking
25 about; right?

1 A. Yes. The door handle, yes.

2 Q. Okay. So you come up to the house. You look at
3 that door. Did you touch that door handle on the outside?

4 A. Yes.

5 Q. Okay. And you saw blood and you got Huante and
6 Brown over and said, look, this looks like blood; right?

7 A. It appeared reddish in color, yes.

8 Q. Okay. And then you come into the house. Okay.

9 Rich, if we could look at the photo of the
10 kitchen.

11 And while we're pulling this one up, you said
12 in your report that you had information that that door that
13 we were just looking at was seldom used. Where did that
14 information come from?

15 A. I don't know. I don't remember.

16 Q. Okay. It did look like the front door to the
17 house; right?

18 A. Yes.

19 Q. Okay. Did -- did somebody tell you that the family
20 typically came into the house through one or the other of the
21 side doors as opposed to that front door?

22 A. I don't know. I don't remember.

23 Q. Okay. But you wrote it in your report; right?

24 A. Correct. I don't know who told me that.

25 Q. Okay. Now, let's take a look at -- this is 2321 in

1 evidence, and we talked about this photo. This is taken from
2 the general area of the French doors. Here you can see light
3 up at the right-hand side looking into the house toward the
4 kitchen; right?

5 A. Yes.

6 Q. And yesterday we said there's the cell phone you
7 seized on the kitchen counter for reference; right?

8 A. Yes.

9 Q. Now, this is what your report says. You found what
10 appeared to be small amounts of blood evidence on the light
11 switch, outlet, and partial dividing wall that breaks the
12 space between the living room and the dining room. We'll
13 look at that. That is not visible in this picture; is it?

14 A. No.

15 Q. Okay. These surfaces had appeared to have been
16 wiped down. We'll talk about that. Also the backrest
17 portion of the green bar stool at the kitchen island appear
18 to be broken in two places and wiped down as well. Are these
19 the green stools?

20 A. Yes.

21 Q. Okay. Which one was broken?

22 A. I can't tell looking at the photo.

23 Q. You don't remember?

24 A. Which one, no.

25 Q. Okay. What part was broken?

1 A. I don't remember now.

2 Q. Okay. What was it about what you saw that made you
3 think it had been wiped down?

4 A. I don't know. I don't remember.

5 Q. Okay. Now, Rich, if you could go back and look at
6 the front door picture again.

7 Okay. Is this the little dividing wall that
8 separates -- that breaks -- this one breaks the space between
9 the living room, which is over here, and the dining room, is
10 it this wall here?

11 A. Yes.

12 Q. Okay. And your report says small amounts of blood
13 evidence on the light switch and outlet. Which light switch
14 and outlet are we talking about?

15 Can we zoom in on the lighting side of that by
16 the door, Rich, particularly that little dividing wall. A
17 little closer.

18 Is it this light switch --

19 A. Yes.

20 Q. -- to the right of the door? Is it this outlet
21 down low?

22 A. Yes.

23 Q. Okay. And you saw -- you thought you saw small
24 amounts of blood evidence on those items; right?

25 A. Yes.

1 Q. Okay. And they appeared to have been wiped down,
2 meaning this light switch and this outlet plate?

3 A. Yes.

4 Q. Okay. What was it about the way they looked that
5 made you think they'd been wiped down?

6 A. The -- what it appeared when looking at it, there
7 was some staining, looked like staining going on. I couldn't
8 tell whether it was wiped off from the staining or from --
9 from just wiping in general.

10 Q. Okay. But it caught your attention?

11 A. Yes.

12 Q. Okay. And did you see any other possible blood
13 evidence in this area other than on the light switch and the
14 outlet?

15 A. No.

16 Q. There was nothing on the wall itself?

17 A. I don't recall.

18 Q. Okay. And you can't tell us now much about the bar
19 stool because you can't remember which one it was or how it
20 was broken?

21 A. It was one of the legs that was broken.

22 Q. Okay. Now, this is in the afternoon of July 8th.
23 When Knapp was with you all on July 6th, did he tell you a
24 theory that he had that involved a struggle between Carol and
25 the perpetrator who he thought was Steve that took place in

1 this area of the house?

2 A. No.

3 Q. Had anybody given you information before you showed
4 up on July 8th that there may have been some sort of a
5 struggle or attack that took place in the dining room/kitchen
6 area?

7 A. No.

8 Q. It just happened to catch your eye? You just saw
9 the evidence on the outside of the door and then the light
10 switch and the outlet plate? Is that what you're saying?

11 A. Yes.

12 Q. Okay. And then you decided at that point that
13 maybe you needed to do a new kind of investigation to see
14 what this was; right?

15 A. Yes.

16 Q. Now, there is a test available to law enforcement
17 that's called a presumptive blood test. Do you know what
18 that is?

19 A. I've heard of it, yes.

20 Q. Have you ever done that?

21 A. No, I have not.

22 Q. Okay. Do you know if the Sheriff's Office has the
23 capacity to test at least for the presence of suspected
24 blood?

25 A. Yes.

1 Q. And did you have that capacity in July of 2008?

2 A. I don't know. I don't recall now.

3 Q. How is it done now?

4 A. Our evidence does that.

5 Q. The evidence techs come out and do that; is that
6 right?

7 A. Yes.

8 Q. Okay. But the plan apparently on July 8th was to
9 try an entirely different technique; right, other than having
10 evidence techs come out and just swab; right?

11 A. Someone else came out, yes.

12 Q. There was a discussion of having a team come from
13 someplace else to do something called Bluestar; is that
14 right?

15 A. Yes. That was discussed, yes.

16 Q. Now, before -- before that -- that day July 2008 --
17 did you know what Bluestar testing was?

18 A. I've heard of it, yes.

19 Q. Okay. Have you also heard about a similar test
20 using a product called luminol?

21 A. Yes.

22 Q. Okay. And tell us what your understanding on
23 July 8th was of either or both of those tests.

24 A. I'm not an expert in that so I can't really give
25 you the chemical reaction and how it works and all that,

1 so...

2 Q. What was your general idea of how it worked and
3 what it could do for you?

4 A. That some -- the protein in the blood would --
5 would illuminate if this substance was sprayed on it.

6 Q. Come in and spray a substance on and then something
7 happens and it may detect the presence of blood; is that
8 right?

9 A. Yes.

10 Q. Sometimes -- have you seen demonstrations of it?

11 A. Yes.

12 Q. Sometimes it's pretty dramatic. You go into a room
13 that appears to have no blood and when luminol or Bluestar is
14 applied, all of the sudden bloody handprints pop out on the
15 wall that are not visible; right? Have you seen those kinds
16 of tests?

17 A. I've seen them, yes.

18 Q. Yeah. And it's a pretty dramatic technique when
19 it's used properly; right?

20 A. Yes.

21 Q. Now, did Yavapai County, the Sheriff's Office have
22 the capacity to do Bluestar luminol testing on July 8th, 2008
23 to your knowledge?

24 A. To my knowledge, no.

25 Q. Okay. How were you going to have it done then?

1 A. I believe another agency came in and did that for
2 us.

3 Q. Huante was going to track somebody down who could
4 do that and have them come to the scene; right?

5 A. Yes.

6 Q. And eventually he reached the Gilbert, Arizona
7 Police Department down in the Valley; right?

8 A. Yes.

9 Q. And they said they had the ability to do that and
10 they would come right up and do it; right?

11 A. Yes.

12 Q. And they came up that very day and did it?

13 A. Yes.

14 Q. Were you there?

15 A. Yes, I was present.

16 Q. Okay. And so you had found what you thought might
17 be blood on the outside door handle of that door in this
18 picture here 2322; right?

19 A. Yes.

20 Q. And what you thought might be blood on the light
21 switch and the outlet plate there; right?

22 A. Yes.

23 Q. Did you point those locations out to a Bluestar
24 team from Gilbert PD?

25 A. Yes.

1 Q. Okay. Did you point any other locations out to
2 them where you thought there might be blood evidence anywhere
3 else in the house?

4 A. No.

5 Q. Did you talk about doing Bluestar on the Saltillo
6 tile hallway on the floor going down to the room where the
7 body was?

8 A. I didn't, no.

9 Q. Okay. Did they?

10 A. I don't know.

11 Q. Did you see them do that?

12 A. No.

13 Q. Okay. Did you see them do their entire test?

14 A. No.

15 Q. What were you doing?

16 A. I was outside.

17 Q. Okay. They came -- they wanted to do this after it
18 got dark; right?

19 A. Yes.

20 Q. Okay. And do they use something called an
21 alternate light? Do they have like a black light or some
22 kind of light device with them that they shine?

23 A. I don't know.

24 Q. Okay. Did they bring objects out of the house
25 outside to examine them?

1 A. I don't recall, no.

2 Q. Okay. Were you there when they were finished with
3 their testing?

4 A. I believe so, yes.

5 Q. As it turns out, neither the door handle nor the
6 light switch nor the outlet or any of the other places that
7 they were directed to test showed the presence of any blood
8 at all; isn't that right?

9 A. The area that I pointed out, no.

10 Q. None of the other places that they tested as well
11 showed any blood; correct?

12 A. I don't know.

13 MR. SEARS: Okay. I have no other questions.

14 THE COURT: Thank you, Mr. Sears.

15 Mr. Butner.

16 MR. BUTNER: Judge, I want to go back to those
17 swabs. I think we've got the photos marked now. I just need
18 the exhibit numbers.

19 THE COURT: Okay.

20 (Brief pause.)

21 MR. BUTNER: If I could have just a moment,
22 your Honor.

23 THE COURT: Yes.

24 MR. BUTNER: Thank you.

25 (Brief pause.)

1 R E D I R E C T E X A M I N A T I O N

2 BY MR. BUTNER:

3 Q. Okay. Let's back up for a moment, Detective
4 Jaramillo, and to get that swab stuff taken care of. I'm
5 going to show you what's been marked as Exhibit Number 2913
6 and -- actually, let's go to 20 -- 2986, okay. Showing you
7 what's been marked for identification as Exhibit Number 2986,
8 do you recognize what's depicted in that particular exhibit?

9 A. Yes, I do.

10 Q. What is it?

11 A. It's a swab carton of a swab.

12 Q. And that's a photograph of a swab carton with a
13 swab referenced in evidentiary item that you were involved in
14 the collection of; is that correct?

15 A. Yes, sir.

16 Q. What evidentiary item was that?

17 A. Item number 806.

18 Q. Okay. And is that one of the evidentiary items
19 that you were the finder on that was swabbed by
20 Lieutenant Huante -- or Sergeant Huante?

21 A. Yes, I was.

22 Q. Okay. You were present when it was swabbed?

23 A. Yes, I was.

24 MR. BUTNER: Okay. I would move for the
25 admission of Exhibit --

1 MR. SEARS: I just have a question or two,
2 your Honor, which might clear up the next few exhibits.

3 MR. BUTNER: Okay. Let me get the number
4 right. 2986.

5 THE COURT: Mr. Sears.

6 MR. SEARS: Thank you.

7

8 V O I R D I R E E X A M I N A T I O N

9 BY MR. SEARS:

10 Q. Detective, do you know when and where this picture
11 was taken?

12 A. No, I don't.

13 Q. Do you know why it was taken?

14 A. I don't.

15 Q. Do you know if the swab had already been tested by
16 the lab prior to the time this photo was taken?

17 A. I don't.

18 Q. If it wasn't, do you know why the swab is just
19 apparently out here on a table or a piece of paper or
20 something?

21 A. I don't.

22 Q. You didn't take this picture?

23 A. No, I did not.

24 MR. SEARS: No objection, your Honor.

25 THE COURT: 2986 is admitted.

1 R E D I R E C T E X A M I N A T I O N (Continued)

2 BY MR. BUTNER:

3 Q. And showing you what's been marked as Exhibit
4 Number 2987, do you recognize what's depicted in this
5 particular exhibit?

6 A. Swab carton collected by Sergeant Huante, item
7 number 807.

8 Q. Okay. And is there a swab with it?

9 A. Two swabs, yes.

10 Q. Okay. And were you present when those swabs were
11 taken?

12 A. Yes, I was.

13 Q. And they were taken by Sergeant Huante, right?

14 A. Yes, they were.

15 Q. This was pursuant to which search warrant? The one
16 on July the 6th?

17 A. Correct.

18 Q. Okay. You don't know the number of the search
19 warrant; right?

20 A. No, I don't.

21 Q. Okay. You don't know when these photographs were
22 taken, do you?

23 A. No, I don't.

24 Q. Okay. But they're an accurate depiction of the
25 swabs and the carton that you saw Lieutenant Huante collect?

1 A. Yes, it was.

2 MR. BUTNER: I'd move for the admission of
3 Exhibit Number 2987.

4 THE COURT: Mr. Sears?

5 MR. SEARS: No objection.

6 THE COURT: 2987 is admitted.

7 BY MR. BUTNER:

8 Q. And then showing you what's been marked as Exhibit
9 Number 2988. Do you recognize what's depicted in that
10 exhibit?

11 A. It's a swab carton with one single swab, item
12 number 808 collected by Sergeant Huante.

13 Q. And you were present when it was collected?

14 A. Yes, I was.

15 Q. And, again, you don't know when this photograph was
16 taken; right?

17 A. No, I don't.

18 Q. Is it an accurate depiction of the swab sample and
19 the carton that you saw Sergeant Huante using when he
20 collected the swab?

21 A. Yes, it is.

22 MR. BUTNER: I'd move for the admission of
23 2988 -- I think it's 2988.

24 MR. SEARS: No objection.

25 THE COURT: 2988 is admitted.

1 BY MR. BUTNER:

2 Q. I'm showing you what's marked for identification as
3 Exhibit Number 2999. Do you recognize that particular --
4 what's depicted in that particular photograph?

5 A. It's a swab carton, item number 809.

6 Q. There's a stick there with it too; right?

7 A. There's two sticks there.

8 Q. Actually two sticks; right?

9 A. Correct.

10 Q. And you don't know when the photograph was taken,
11 do you?

12 A. No, I don't.

13 Q. But in regard to that particular item of evidence,
14 item number 809, were you present when that particular swab
15 was collected by Sergeant Huante?

16 A. Yes.

17 Q. And, again, that was on July the 6th?

18 A. Correct.

19 Q. Sometimes those swabs are consumed by the lab when
20 they're sent up there; right?

21 A. Yes.

22 Q. And what happens? Do you get the swabs back?

23 A. No.

24 Q. Okay. So the little swab end sometimes is removed
25 by the lab and used up; is that correct?

1 A. Yes.

2 MR. BUTNER: Okay. I'd move for the admission
3 of Exhibit Number I believe it's 2999.

4 THE COURT: That's correct.

5 MR. SEARS: No objection, your Honor.

6 THE COURT: 2999 is admitted.

7 BY MR. BUTNER:

8 Q. And then showing you again what's marked as Exhibit
9 Number 3000. Do you recognize what's depicted in that
10 particular exhibit?

11 A. A swab carton with a stick, item 810, collected by
12 Sergeant Huante on July 6th, 2008.

13 Q. You were present when it was collected?

14 A. Yes.

15 Q. In fact, you were the person that found it and
16 showed him where to collect it?

17 A. Yes.

18 Q. And, again, the swab -- there's only one stick
19 there; right?

20 A. Correct.

21 Q. And no little swab left on the end of it?

22 A. No.

23 MR. BUTNER: I'd move for the admission of
24 Exhibit 3000.

25 MR. SEARS: No objection, your Honor.

1 THE COURT: 3000 is admitted.

2 BY MR. BUTNER:

3 Q. And then showing you what's been marked as Exhibit
4 Number 2913. Do you recognize what's depicted in that
5 particular exhibit?

6 A. It's a swab carton collected by Sergeant Huante,
7 item number 805, collected on July 6, 2008.

8 Q. And you were present at the time he collected that
9 swab?

10 A. Yes, I was.

11 Q. You directed him to collect it?

12 A. Yes.

13 Q. Is there even a stick or a swab associated with
14 that stick carton in the photograph?

15 A. No, there's not.

16 Q. Sometimes do you get those things back from the lab
17 and even the stick has been consumed?

18 A. Yes.

19 MR. BUTNER: I'd move for the admission of
20 Exhibit Number 2913.

21 MR. SEARS: Your Honor, we don't have a copy
22 of that one. Can I look at that very quickly?

23 THE COURT: Yes. Mr. Butner, if you'd provide
24 the exhibit to Mr. Sears.

25 MR. BUTNER: Sure. Of course.

1 MR. SEARS: May I have a question or two, your
2 Honor?

3 THE COURT: Yes, you may.
4

5 V O I R D I R E E X A M I N A T I O N

6 BY MR. SEARS:

7 Q. So this is an empty box; right?

8 A. I don't know.

9 Q. Well, there's no stick or swab or anything next to
10 it; right?

11 A. Correct.

12 Q. Do you know why this photograph was taken?

13 A. No.

14 MR. SEARS: No objection.

15 THE COURT: 2913 is admitted.

16 MR. BUTNER: Thank you.
17

18 R E D I R E C T E X A M I N A T I O N (Continued)

19 BY MR. BUTNER:

20 Q. Okay. Detective Jaramillo -- if I could get
21 Exhibit 2839.

22 This was admitted into evidence yesterday as
23 Exhibit Number 2839. It's not marked as being admitted. You
24 haven't got to that, okay. All right.

25 Let me show you what was admitted as

1 Exhibit 2839. Do you remember looking at that photograph
2 yesterday?

3 A. Yes.

4 Q. And that's the photograph of the back of the barn;
5 right?

6 A. Yes.

7 Q. The barn area where the bicycle was hanging above
8 it?

9 A. Yes.

10 Q. You can't see the bicycle in the photograph, can
11 you?

12 A. No.

13 Q. Okay. I'm going to put it on the overhead and
14 maybe we'll be able to see it. But do you remember going
15 back and searching that particular area?

16 A. I do, yes.

17 Q. And when you were back there searching that area,
18 what were you looking for?

19 A. Tracks, blunt force -- blunt force objects.

20 Q. Okay. Were you looking for bicycles at that point
21 in time?

22 A. No.

23 Q. Nothing's happening. Thanks, Phil. Do you
24 remember when you were looking for these blunt -- thank you
25 very much, Phil.

1 Do you remember when you were looking for
2 these blunt force objects? You had a discussion about tools
3 in that area. Do you recall that?

4 A. Yes.

5 Q. Do you recall what tools you saw in that particular
6 area?

7 A. Gardening tools, shovels, a pick.

8 Q. Okay. Did you note the condition of those tools
9 when you were in that area searching?

10 A. They appeared to be weathered, been out for a
11 while.

12 Q. Did -- did you scrutinize the tools to see if they
13 had any indications of having been used at any time recently?

14 A. I looked at them. They appeared to be, you know,
15 like I said weathered and was dust, cobwebs around them.

16 Q. Okay. And what reason or reasons did you not seize
17 those tools?

18 A. They'd been out there for a while. I didn't think
19 that -- I didn't think that they were necessary to take at
20 the time, no.

21 Q. Because why?

22 A. They'd been weathered. There was cobwebs. There
23 was dust on them, dirt.

24 Q. And did that indicate to you what?

25 A. They'd been out there for some time and not been

1 used recently.

2 Q. And when you were out there searching that
3 particular area, you indicated you were looking for
4 footprints?

5 A. Yes.

6 Q. Did you see any footprints in the area?

7 A. No, I did not.

8 Q. Did the area -- did it appear as if anybody had
9 been in the area anytime recently?

10 A. No.

11 Q. You indicated that you saw some pieces of wood
12 doweling in that particular area also.

13 A. Yes.

14 Q. Do you remember that?

15 A. Yes.

16 Q. And you told Mr. Sears you didn't think any of
17 those could cause the injuries that you had seen in the
18 house; is that correct?

19 A. Correct.

20 Q. Tell us why you didn't think they could cause the
21 injuries.

22 A. Just based on what I saw on the victim and the
23 actual objects themselves.

24 Q. Was there any indication that those pieces of wood
25 doweling had been used at any point in time recently?

1 A. No.

2 Q. Was there anything about the -- the -- I guess the
3 diameter you would say? Anything about the diameter of the
4 pieces of the wood doweling that caused you to reach any
5 conclusions about their usage as a murder weapon?

6 MR. SEARS: Leading.

7 THE COURT: Sustained.

8 BY MR. BUTNER:

9 Q. Do you remember the approximate diameter of the
10 pieces of wood doweling?

11 A. The exact diameter, no.

12 Q. Not the exact.

13 A. No.

14 Q. Do you remember the diameter at all of the pieces
15 of wood doweling?

16 A. No, not really. No.

17 Q. Okay. Don't remember if they were thick or thin,
18 anything like that?

19 A. Yeah, they were thick pieces of wood.

20 Q. Pardon?

21 A. Thick pieces of wood, yes.

22 Q. Okay. And did you just formulate an opinion on
23 your own about those?

24 A. Yes.

25 Q. And what was your opinion in terms of whether they

1 could be used to inflict the blunt force trauma in this case?

2 A. Just looking at the doweling and what I had seen on
3 the victim, I didn't think it was something that was used.

4 Q. Did they have any blood on them?

5 A. No.

6 Q. Did they have any indication of any kind that they
7 had come into contact with -- with anybody in a violent
8 fashion?

9 A. No.

10 Q. When you went on the car ride with Detective Brown
11 over to the opposite side of Williamson Valley, approximately
12 what time did you do this? I say the opposite side of
13 Williamson Valley. I mean the opposite side of Williamson
14 Valley Road.

15 A. It was early morning hours before the sun even came
16 up, yes.

17 Q. Okay. When you got out there, what kind of light
18 did you have available?

19 A. It was limited. Flashlights.

20 Q. Okay. So did you go to the Love Lane area?

21 A. Yes.

22 Q. Did you have any natural light available to see in
23 that particular area?

24 A. No.

25 Q. So what kind of light were you using?

1 A. I had a flashlight.

2 Q. And did you ever find a trailhead at Love Lane?

3 A. I didn't, no.

4 Q. When you were with Detective Brown, did either you
5 or Detective Brown find a trailhead at Love Lane?

6 A. No.

7 Q. What was your understanding as to Detective Brown's
8 familiarity with that particular area?

9 A. At the time, I thought he knew the area.

10 Q. Okay. Do you know what the -- did you have an
11 understanding as to the source of his knowledge of that area?

12 A. No.

13 Q. Did -- did you have an understanding as to whether
14 Detective Brown had ridden a mountain bike in that area at
15 all?

16 MR. SEARS: Leading.

17 THE COURT: Overruled.

18 THE WITNESS: I believe Mr. Brown -- Detective
19 Brown did indicate riding a mountain bike in that area.

20 BY MR. BUTNER:

21 Q. Did you know -- or did you have an understanding as
22 to where he had ridden a mountain bike in that area?

23 A. No. Not exactly, no.

24 Q. Was -- who was the source of the information as to
25 where -- where you and Detective Brown should go in terms of

1 looking for -- for where Mr. DeMocker was riding his bike?

2 Do you understand my question?

3 A. Yes. I don't recall who provided that information.

4 Q. Was Brown the person that was driving the car?

5 A. Yes.

6 Q. So you rode with him?

7 A. Yes.

8 Q. And Detective Brown, if I understood your earlier
9 testimony, he had a map with him of some sort?

10 A. Yes.

11 Q. Do you know where he got that map?

12 A. No, I do not.

13 Q. Did you have such a map also, not with you
14 necessarily, but were you an owner of such a map?

15 A. Yes.

16 Q. Where did you get your map?

17 A. I was issued it from the County.

18 Q. So was a map issued to the Yavapai County Sheriff's
19 officers?

20 A. Yes.

21 Q. And was this some kind of a map that you get at a
22 gas station, or would you describe it for us, please?

23 A. No. It's a -- it's a -- it has the county streets,
24 you know, streets, roads. It's a county map.

25 Q. Okay. Now, you told Mr. Sears that it doesn't have

1 trails on it.

2 A. No.

3 Q. Does it have open areas on it?

4 A. Yes.

5 Q. What kind of open areas are on it?

6 A. Forest land.

7 Q. And had you used your map in this particular area
8 at all? And when I say this particular area, the Williamson
9 Valley area or the Love Lane area. Had you used yours in
10 that area?

11 A. No.

12 Q. Did you even have your map with you?

13 A. No.

14 Q. So Detective Brown was using the only map that you
15 had with you?

16 A. I would say yes.

17 Q. Do you know if Detective Brown had used a trail map
18 before in that particular area?

19 A. No, I don't.

20 Q. Did you get a trail map for that area?

21 A. Did I? No.

22 Q. What was your understanding as to what trail you
23 were looking for, the name of it?

24 A. I don't recall the name.

25 Q. Had you been provided with any information as to

1 where this trail was located?

2 A. I believe verbally by Detective Brown, yes.

3 Q. What was the information -- what was your
4 understanding as to the location of where the trail was at?

5 A. Somewhere near Love Lane.

6 Q. Okay. Had you been provided with a trail number?

7 A. I don't remember if I was or not.

8 Q. Let me show you what's been admitted into evidence
9 as Exhibit Number 2663. Do you recognize that particular
10 exhibit?

11 A. I haven't seen it before, no.

12 Q. Do you recognize what it is?

13 A. Yes.

14 Q. What is it?

15 A. It's a depiction of trails in the area.

16 Q. Trails in the area of where?

17 A. Granite Mountain Wilderness.

18 Q. Okay. And on that particular map -- by the way,
19 who -- what's the source of that map so to speak? Who
20 provides it?

21 A. The Granite Basin Recreation Area.

22 Q. Is it from the Forest Service?

23 A. Forest Service. Yes, Forest Service.

24 Q. Okay. And so looking -- flipping the map back
25 over, do you see the area where you were looking for the Love

1 Lane trail?

2 A. I can't distinguish which one it is.

3 Q. Okay. Maybe I can help you out. If you get the
4 laser -- well, actually, I'll use the laser pointer.

5 I'm placing Exhibit Number 2663 on the
6 overhead for the record, your Honor.

7 Okay. I probably don't need to use the laser
8 pointer now, do I, because --

9 A. I see Love Lane.

10 Q. Okay. You can see Love Lane on the map; right?

11 A. Yes.

12 Q. And that was the street name that you had the
13 understanding the trail was located on?

14 A. Correct.

15 Q. Okay. And had you heard mention of the name
16 Rainmaker at all when you were looking for this trail?

17 A. I may have.

18 Q. Okay. And is that -- do you see on the map there
19 where you and Doug Brown were looking for the trail?

20 A. It's been a while since I've been out there, so --

21 Q. I understand.

22 A. -- I can't say for sure which area.

23 Q. Well, tell us -- tell us where you traveled with
24 Detective Brown looking for the trail that had been described
25 by Mr. DeMocker.

1 A. It was the area off of Love Lane.

2 Q. Okay. And you're riding as the passenger with
3 Detective Brown driving; right?

4 A. Yes.

5 Q. And do you remember where he took you on Love Lane?

6 A. It's been a while and I haven't been out there
7 since, so I'm going to have to say no.

8 Q. Did he take you to the end of Love Lane?

9 A. Yes.

10 Q. That was your testimony in questioning by
11 Mr. Sears; right?

12 A. Yes.

13 Q. Do you remember Detective Brown driving to the end
14 of Love Lane?

15 A. Yes.

16 Q. Do you see on the map where that goes?

17 A. I believe this is Love Lane right here.

18 Q. It says Love Lane on the map; right?

19 A. Correct.

20 Q. Did you drive straight up Love Lane, or did you
21 make any turns?

22 A. I believe we drove straight up.

23 Q. Okay. And so you don't recall making any turns on
24 Love Lane?

25 A. We may have.

1 Q. Do you recall looking in the area for any
2 indications that Mr. DeMocker had been riding his bike there?

3 A. Yes.

4 Q. How did you do that?

5 A. Got out of the vehicle.

6 Q. And what did you do when you got out of the
7 vehicle?

8 A. Looked at the road, the trail -- the trails in the
9 area.

10 Q. It was dark, wasn't it?

11 A. Yes.

12 Q. Well, how did you look at the road or the trails in
13 the area?

14 A. Flashlights.

15 Q. So did you get out and walk around?

16 A. Yes.

17 Q. Shining your flashlight?

18 A. Yes.

19 Q. And were you looking at the ground?

20 A. Yes.

21 Q. And did you do this up and down Love Lane?

22 A. A couple of times we got out of the vehicle, yes.

23 Q. Did you see anything there to indicate anybody had
24 been riding a bike in the area?

25 A. No.

1 Q. Did you ever find a trail number?

2 A. I didn't, no.

3 Q. Have you since come to find out that Mr. DeMocker
4 was on Trail 309?

5 A. I haven't, no.

6 Q. You don't even know about that?

7 A. No.

8 Q. And in terms of Rainmaker, did you and Doug Brown
9 travel on Rainmaker?

10 A. We may have. They're close together.

11 Q. Right. You don't remember for sure?

12 A. No, I don't.

13 Q. You indicated in testimony with Mr. Sears that you
14 followed Love Lane till it dead-ended and you stopped at the
15 dead end; right?

16 A. Yes.

17 Q. You indicated to him that it looked like a parking
18 area sort of. Do you remember that?

19 A. Yes.

20 Q. What made it look like a parking area to you?

21 A. There were space for vehicles, at least for a
22 couple of vehicles.

23 Q. Okay. Was this a residential neighborhood?

24 A. I don't recall.

25 Q. You're just having trouble remembering?

1 A. Yes.

2 Q. You said you were out there 25 or 30 minutes,
3 something like that; is that right?

4 A. Approximately, yes.

5 Q. Did it ever get daylight while you were out there?

6 A. Maybe as we left.

7 Q. When you were out there with Doug Brown, did he --
8 did he indicate to you in any way that he was familiar with
9 that area?

10 A. I don't recall.

11 Q. So you weren't familiar with Trail 309; right?

12 A. No, I wasn't, no.

13 Q. Were you familiar with Trail 347?

14 A. No.

15 Q. Just looking at this particular map, you hadn't
16 been -- you hadn't been provided with a trail number when you
17 were out there; is that correct?

18 A. I didn't, no.

19 Q. Would this map have helped you find the Love Lane
20 trail?

21 A. I see Love Lane, but I don't see Love Lane trail
22 identifying it.

23 Q. So my question is, would this map have helped you
24 find the Love Lane trail?

25 A. No.

1 Q. Were you trying to research Mr. DeMocker's alibi?

2 A. At this time?

3 Q. Yeah, when you were out there.

4 A. Yes.

5 Q. Why were you trying to do that?

6 A. To determine whether he had been out there or not.

7 Q. Were you attempting to eliminate him as a suspect?

8 A. Yes.

9 Q. Were you able to do that?

10 A. No.

11 Q. Were you under any time constraints to get this
12 done out on -- out on Love Lane?

13 A. No.

14 Q. Let's talk about the claw hammer that was seized at
15 the UBS office. You were present when it was seized; right?

16 A. Yes.

17 Q. Are you the person who decided it should be seized?

18 A. No.

19 Q. Who was that person? Do you know?

20 A. No, I don't.

21 Q. What was your understanding as to why the claw
22 hammer was seized?

23 A. I don't recall the understanding. I just know it
24 was collected.

25 Q. So you were just doing basically what you were told

1 to do in connection with that?

2 A. Yes.

3 Q. Okay. Sergeant Huante was the finder of that
4 particular item?

5 A. Yes.

6 Q. You had already seen the injuries to the victim in
7 this case; is that correct, at least some of them, or had
8 you?

9 A. No.

10 Q. So you didn't have any idea what her injuries were
11 like?

12 A. No.

13 Q. So basically you didn't have any idea whether the
14 claw hammer was a potential weapon or not?

15 A. No.

16 Q. Mr. DeMocker's computer was seized from the UBS
17 office; right?

18 A. Yes.

19 Q. You were part of that process?

20 A. Yes.

21 Q. What was your part, please?

22 A. Scribing.

23 Q. What does that mean again?

24 A. Filling out the supplement.

25 Q. Okay.

1 A. Search warrant supplement.

2 Q. And who decided whether it should be seized? Do
3 you recall?

4 A. No, I don't.

5 Q. Did you have an understanding at that point in time
6 as to why that computer was seized?

7 A. At the time, no.

8 Q. It was just something that was on the search
9 warrant?

10 A. Yes.

11 Q. Was that similarly the case with the Blackberry?

12 A. Yes.

13 Q. You testified that you put on booties and gloves
14 before you entered the Bridle Path residence.

15 A. Yes.

16 Q. And then you indicated that you left those booties
17 and gloves on; is that right?

18 A. No.

19 Q. Oh, okay. Did I misunderstand you?

20 A. I -- when I came out of the house, I took the ones
21 off that I had on and put another pair on.

22 Q. Oh, okay. And why did you do that?

23 A. Just something I -- I did. It's something I
24 usually do at crime scenes.

25 Q. Okay. And did you do that -- with the booties, did

1 you do that partially as a result of your search for
2 footprints?

3 A. Yes.

4 Q. What about the booties caused you to leave them on
5 while you were searching for footprints?

6 A. So I wouldn't leave any myself.

7 Q. Do they somewhat obscure your footprints in some
8 fashion?

9 A. Somewhat, yes.

10 Q. How does that work?

11 A. The booties cover the bottom of your shoes.

12 Q. And does that somehow prevent you from leaving
13 prints or does it alter your prints?

14 A. Depending on the type of ground you're on, whether
15 it's real soft or hard.

16 Q. Now, you testified that you assisted in putting the
17 body in the body bag approximately -- at approximately
18 12:54 p.m.; is that right?

19 A. Yes.

20 Q. How did you assist?

21 A. I assisted by holding an area of the body and
22 putting it -- putting the victim into the body bag.

23 Q. What area did you hold if you can recall?

24 A. The lower leg area, left area.

25 Q. And who else was putting the body in the body bag

1 with you that you were assisting?

2 A. I don't recall.

3 Q. Were you careful not to alter the condition of the
4 body while you were putting it in the body bag?

5 A. Yes.

6 Q. And why was that?

7 A. So that it wouldn't disturb anything that was on
8 the body.

9 Q. And what about -- in addition to disturbing
10 anything on the body, what about her physical condition at
11 that point? Were you careful about that?

12 A. Yes.

13 Q. Do you know if the calendar was collected from the
14 desk in the office where her body was located?

15 A. I don't, no.

16 Q. Do you know if a checkbook was collected from the
17 office area where her body was located?

18 A. I'd have to confirm it on the search warrant
19 supplement, but I believe it was.

20 Q. You went back at a later date and I wasn't clear on
21 this, either on July the 6th or July the 8th and was a cell
22 phone -- or was a charger collected rather for one of the
23 phones?

24 A. I'd have to look at the supplement. Something was
25 collected, yes.

1 Q. Okay. Which supplement do you need to look at?

2 A. I don't know.

3 MR. BUTNER: Let's see which ones were being
4 used earlier by Mr. Sears, the last search warrant. Well,
5 I'm going to search for that.

6 BY MR. BUTNER:

7 Q. Let me show you what's been marked now as Exhibit
8 Number 3002, a redacted copy. If you would take a look at
9 that. Do you recognize that particular exhibit?

10 A. Yes.

11 Q. What is that, sir?

12 A. A search warrant on July 8th.

13 Q. July 8th of the year 2008?

14 A. 2008, yes.

15 Q. Okay. And that's the one that was obtained from
16 Judge Kennedy, or is that from Judge Markham?

17 A. It's Prescott Court.

18 Q. Oh, it's from Judge Markham. And who obtained that
19 warrant?

20 A. Detective Brown.

21 Q. Okay. And you took that warrant out and executed
22 it at the Bridle Path residence on the 8th of July?

23 A. I didn't, no.

24 Q. You weren't present when this was being executed?

25 A. No.

1 Q. You were there when the Bluestar was done; right?

2 A. Yes.

3 Q. But not for this particular warrant?

4 A. For this collection, no.

5 Q. Okay. Well, let me show you what's already
6 admitted into evidence as Exhibits Number 2980 and 2981. Do
7 you recognize those search warrants?

8 A. Yes.

9 Q. Are either of those the ones that you took and
10 executed at the Bridle Path residence on July the 8th?

11 A. Yes.

12 Q. Which one is or ones?

13 A. It's the search warrant supplement where the IBM
14 computer tower was taken.

15 Q. Okay. That's the crashed computer?

16 A. Correct.

17 Q. Okay. And you're referring to then for the record
18 Exhibit Number 2981; right?

19 A. Yes.

20 Q. And in addition to seizing that crashed computer
21 tower at that point in time, was that when one of the
22 chargers or bases was seized?

23 A. I'm not finding it in the supplement.

24 Q. Okay. And how about the other search warrant, was
25 that for July the 8th?

1 A. July 6th.

2 Q. Okay.

3 A. It's not in here.

4 Q. It's not on that one either?

5 A. No.

6 MR. BUTNER: Judge, I'm going to have to take
7 a break apparently because I can't find the right search
8 warrant.

9 THE COURT: All right. It's time for the noon
10 recess in any event. Ladies and gentlemen, we will do that
11 now, have a noon recess. Please remember the admonition.
12 I'd ask you to reassemble at 1:15, and we'll start as soon as
13 we can after that. We'll be in recess. Thank you.

14 (Recess from 11:58 a.m. to 1:30 p.m.)

15 THE COURT: Good afternoon. Please be seated.

16 The record will show the presence of the
17 defendant, all of the attorneys, and the jurors. Detective
18 Jaramillo is on the witness stand again.

19 And, Mr. Butner, you may proceed.

20 MR. BUTNER: Thanks, Judge. Thanks for the
21 break too. I finally got the warrant thing straightened out.

22 BY MR. BUTNER:

23 Q. Okay. I've placed before you, Detective Jaramillo,
24 Exhibit Number 3003. All right. And showing you Exhibit
25 Number 3003. Would you take a look at that particular

1 document. Now, you recognize that document, Detective
2 Jaramillo?

3 A. Yes, I do.

4 Q. Okay. What is it?

5 A. It's a search warrant return and supplement for
6 July 8, 2008 at the Bridle Path residence.

7 Q. Okay. And at the Bridle Path residence did you
8 say?

9 A. 7485 Bridle Path.

10 Q. Okay. And you were present when that warrant was
11 executed; is that right?

12 A. Yes.

13 Q. And that's when the Bluestar stuff was applied?

14 A. Yes.

15 Q. Okay. And you -- and where was it applied on the
16 inside of the house to your knowledge, sir?

17 A. I believe the light fixture, the plug, and I
18 believe in the -- where the victim was found.

19 Q. Okay. You say the light fixture and the plug.
20 What light fixture and what plug?

21 A. Near the front entrance door.

22 MR. BUTNER: Okay. I'd move for the admission
23 of Exhibit 3003 at this time.

24 MR. SEARS: No objection.

25 THE COURT: 3003 is admitted.

1 BY MR. BUTNER:

2 Q. Okay. Let's go to that photograph Exhibit
3 Number 2320 -- oh, yeah, it would help if I took that off --
4 2322. Now, you recognize what's depicted in this; right?

5 A. Yes, sir.

6 Q. Okay. It's the front door area of the residence --

7 A. Yes, sir.

8 Q. -- right? In fact, I should move it over towards
9 the center. And the plug and the light fixture that you are
10 referring to -- you've got the laser pointer there; right?
11 Can you see them in this photograph? They're kind of hard to
12 see; right?

13 A. Yes.

14 Q. But you can seem them; right?

15 A. Yes.

16 Q. Okay. You just pointed to the light switch; right?

17 A. Yes.

18 Q. And where's the plug at?

19 A. (Witness indicates.)

20 Q. Okay. And you indicated that those walls looked
21 like they had been wiped down to you; is that right?

22 A. Yes.

23 Q. What did you mean by that?

24 A. It appeared on the wall itself there was some
25 staining going on and it appeared -- it appeared as if it was

1 wiped.

2 Q. Okay. And are you talking about like this kind of
3 stuff going on up here?

4 A. Yes.

5 Q. And that was present on these walls right here,
6 this wall here, and this little wall here also; right?

7 A. Yes.

8 Q. And, in fact, if you look at Exhibit Number 2323,
9 you recognize that area, don't you?

10 A. Yes, sir.

11 Q. Where is that?

12 A. It's the island in the kitchen and there's a
13 pantry.

14 Q. Right. And there's a wall here. Inside this is
15 the pantry; right?

16 A. Yes, sir.

17 Q. Okay. And -- and this stuff here, do you see that
18 kind of nebulous sort of pattern stuff?

19 A. Yes, sir.

20 Q. Is that the kind of -- of wiped-down staining that
21 you were talking about?

22 A. Yes, sir.

23 Q. Okay. And you saw that present at the front door
24 also?

25 A. Yes, sir.

1 Q. Okay. So it wasn't like somebody was trying to
2 clean up and wipe it down; right?

3 A. No. It appeared wiping of the stain.

4 Q. Sort of --

5 A. Staining.

6 Q. -- an object of art so to speak?

7 A. Yes, sir, decorative.

8 Q. Decorative in nature. Okay. Glad we got that
9 cleared up. Thank you.

10 Let me show you what's now been admitted into
11 evidence as Exhibit Number 2980. Do you recognize that
12 particular document?

13 A. Search warrant July 6, 2008.

14 Q. So that's the -- go ahead.

15 A. Return and search warrant supplements.

16 Q. Okay. So that's the search warrant from July 6 of
17 2008 which you were part of the team that executed?

18 A. Yes, sir.

19 Q. Okay. And you'll recall at the break I was having
20 trouble finding a search warrant where you had seized the
21 cell phone and the charger; right?

22 A. Yes, sir.

23 Q. Did you seize the cell phone and charger pursuant
24 to that particular search warrant?

25 A. Yes. A phone and charger were taken, sir, yes.

1 Q. Okay. Are they referenced on the supplement?

2 A. Item 802.

3 Q. Okay. Can you point to it with the laser pointer?

4 A. (Witness indicates.)

5 Q. Right there. Found on the kitchen counter; right?

6 A. Yes, sir.

7 MR. BUTNER: Okay. No further questions of
8 this witness at this time. Thank you, sir.

9 THE COURT: Thank you, Mr. Butner.

10 I know we'll have jury questions and so that
11 means there will be a recess taken rather quickly this
12 afternoon as it turns out. I think we have all decided it's
13 better to do it this way than have people go out the side and
14 have that rather awkward situation, so it appears we have a
15 number of jury questions. I want to take the time now. I
16 don't want to rush anybody. Go ahead and fill out your
17 questions and...

18 (Brief pause.)

19 THE COURT: So I have the questions now.
20 Ladies and gentlemen, we'll go ahead and take a recess. I
21 ask that you be reassembled in 15 minutes. Hopefully we'll
22 get started very soon.

23 Detective, you'll be excused at this time from
24 the courtroom. Remember the rule that's been invoked
25 regarding the exclusion of witnesses.

1 So, ladies and gentlemen, please remember the
2 admonition and we'll see you in a few minutes and I'll ask
3 the parties to remain.

4 (Recess from 12:38 p.m. to 1:41 p.m.)

5 ---oOo---

6 (Proceedings were held and reported, but are
7 not contained herein.)

8 ---oOo---

9 THE COURT: Okay. Why don't we have the --
10 just have the jury come back in. That was a very quick time
11 before the recess. Yes, if we could have the witness first,
12 Phil. Thank you.

13 (Brief pause.)

14 THE COURT: Thank you. Please be seated.

15 The record will show that the jury has joined
16 the defendant, the attorneys, and Detective Jaramillo has
17 also returned to the courtroom and he is on the stand as
18 well.

19 And, Detective, I'm going to go through the
20 jury questions now. After I ask them, the lawyers may wish
21 to follow up, okay.

22 THE WITNESS: Yes, sir.

23

24 "Q U E S T I O N S B Y T H E J U R Y"

25 THE COURT: All right. First question: Was

1 the attic ever searched at Bridle Path?

2 THE WITNESS: As far as I know, no.

3 THE COURT: Was there attic space in the
4 guesthouse? Was it searched?

5 THE WITNESS: As far as I know, no.

6 THE COURT: I should ask them one at a time.
7 Was there attic space in the guesthouse?

8 THE WITNESS: I don't know.

9 THE COURT: And then was it searched?

10 THE WITNESS: As far as I know, no.

11 THE COURT: Okay. And Mr. Butner or
12 Mr. Sears, if we have the various exhibits if needed.

13 Number 794, page 5 of 5, number 553, what is
14 notation in regard to bedroom floor?

15 Thank you, Mr. Butner.

16 THE WITNESS: It appears the charger on the
17 bedroom floor.

18 THE COURT: Number 2980 states ladder seized
19 and no blood evident. Why seized?

20 Oh, I'm sorry, I moved on.

21 MR. BUTNER: That's okay.

22 THE COURT: Sorry, Mr. Butner.

23 This is number 794, page 5 of 5, number 553.
24 What is notation in regard to bedroom floor? You got that
25 answer?

1 THE WITNESS: The charger on the floor.

2 THE COURT: Okay. Now, you have 2980.

3 THE WITNESS: Yes.

4 THE COURT: States ladder seized and no blood
5 evident. Why seized?

6 THE WITNESS: I don't know if I can answer
7 that.

8 THE COURT: Okay. Then the next question:
9 You stated you searched the Bridle Path property before the
10 autopsy. How did you see the victim's injuries to her right
11 arm? And then there's a reference again to some exhibits,
12 2329 and 2284 pictures.

13 If those are available, Mr. Butner.

14 MR. BUTNER: They are, Judge.

15 THE COURT: Thank you.

16 MR. BUTNER: I pulled them out.

17 THE WITNESS: From this picture, you cannot
18 see them.

19 THE COURT: And you're looking at both 2329
20 and 2284?

21 THE WITNESS: I believe so, sir, yes.

22 THE COURT: Okay. Then the next question on
23 this page: Picture of front door, what is the line of dots
24 running down the door? And that's picture 2322 -- or
25 Exhibit 2322.

1 Thank you.

2 THE WITNESS: I'm not sure where they're
3 referring to.

4 THE COURT: Okay. As I indicated, the
5 attorneys may wish to follow up.

6 And then the next question on this page: If
7 you were searching the grounds at Bridle Path for evidence,
8 you already knew about the use of a bike. Why did you not
9 collect the bike at the barn?

10 THE WITNESS: I don't know.

11 THE COURT: And then this next question,
12 Detective, calls for a yes or no response. When you helped
13 put Carol in body bag, was there any discussion at the time
14 of her injuries and what could have caused them?

15 THE WITNESS: No.

16 THE COURT: You're saying you found the cell
17 phone on the kitchen counter when the warrant supplement from
18 Exhibit 794, item number 553 says the phone was found on the
19 floor in the bedroom. Which is correct?

20 THE WITNESS: The charger found on the floor
21 in the bedroom. The phone was on the kitchen counter.

22 THE COURT: Why didn't you take any shoes from
23 Mr. Knapp's house?

24 THE WITNESS: I don't know.

25 THE COURT: Were you looking for shoes at that

1 time?

2 THE WITNESS: No.

3 THE COURT: In July of 2008, did the Yavapai
4 County Sheriff's Office have any written minimum standard
5 procedures or methods for searching a room or collecting
6 biological evidence?

7 THE WITNESS: I don't know.

8 THE COURT: Why didn't you call back to the
9 Sheriff's Office for more specific directions to the bike
10 trails Mr. DeMocker described?

11 THE WITNESS: I don't know.

12 THE COURT: Why didn't you spend one more hour
13 to look for a trail in the daylight?

14 THE WITNESS: I don't know.

15 THE COURT: I'm going to start these questions
16 by providing a definition that's given in the -- in the
17 questioning. A P trap is the P-shaped pipe under the sink in
18 the sewer line. The first question is: In the guesthouse
19 when -- I'll start again. In the guesthouse where Mr. Knapp
20 lived on Bridle Path, did you or did you have anyone look at
21 the P trap in under the sinks in the bathroom and kitchen for
22 blood, hair, or any biological evidence?

23 THE WITNESS: No, I didn't.

24 THE COURT: In the main house on Bridle Path
25 where Carol was killed, did you or anyone look at the P trap

1 in the laundry room for blood, hair, or any biological
2 evidence?

3 THE WITNESS: I'd have to see where the P trap
4 is located in the laundry room.

5 THE COURT: Okay. And then the next question:
6 What is the, quote, "return," unquote referring to search
7 warrant? What is the return referring to search warrant?

8 THE WITNESS: It's the search warrant
9 original, the search warrant supplements, and it's a face
10 page for the return where the judge signs the return to the
11 court.

12 THE COURT: And, Mr. Butner, did you have
13 follow-up on any of these questions?

14 MR. BUTNER: I do, Judge. Thank you.

15

16 "F O L L O W - U P Q U E S T I O N S"

17 BY MR. BUTNER:

18 Q. Exhibit 2322. Okay. I think that's focused as
19 well as it can be focused. Do you see that line of dots
20 depicted on Exhibit 2322?

21 THE COURT: Mr. Butner, it might be better if
22 the witness steps down.

23 BY MR. BUTNER:

24 Q. You can step down.

25 A. Which area are you talking? I don't -- there's

1 dots everywhere.

2 Q. Going down from the -- that line of dots right
3 there. Do you see that line of dots?

4 A. Yes.

5 Q. Do you know what that is?

6 A. No, I don't.

7 Q. Okay.

8 THE COURT: Thank you.

9 BY MR. BUTNER:

10 Q. You might have that up there. I might have set
11 that up there. In regard to Exhibit 794 admitted into
12 evidence, you noted that the charger was found on the bedroom
13 floor?

14 A. I didn't.

15 Q. You didn't?

16 A. It's written by somebody else.

17 Q. Oh, okay. So you don't know exactly where that
18 charger was found?

19 A. Bedroom floor is what it says.

20 Q. I understand that. There are three bedrooms at
21 least in that house to my knowledge; right?

22 A. Yes, sir.

23 Q. Do you know which bedroom that referred to?

24 A. I don't know.

25 Q. Okay. And somebody else wrote that particular

1 notation?

2 A. Yes, sir.

3 Q. But that was the cell phone charger?

4 A. I believe so, yes, sir.

5 Q. And in regard to the seizure of the ladder, you
6 were not able to answer that question; is that right?

7 A. No.

8 Q. Because you weren't the person that seized the
9 ladder?

10 A. No, sir.

11 Q. Is that correct, you were not that person that
12 seized the ladder?

13 A. Correct.

14 Q. Okay. Thank you.

15 When you were searching out by the barn, were
16 you aware of injuries to the victim, rod-like injuries going
17 across her right arm, her right arm?

18 A. It would depend on what time. If I was doing it
19 after the body was placed into the bag or not.

20 Q. Well, I'm talking to you about -- do you remember
21 what time you were out searching the barn area?

22 A. Not exactly, no.

23 Q. So you don't know if you had seen the injuries to
24 her arm or not at that point in time when you were searching
25 the barn area? Is that what you're telling us?

1 A. Correct.

2 Q. In regard to the light bulbs in the laundry room,
3 you collected the light bulbs; is that correct?

4 A. Yes, they were collected.

5 Q. Okay. Did you ascertain whether the light bulbs
6 worked or not before you seized them?

7 A. Yes.

8 Q. And did they work or did they not?

9 A. They did.

10 Q. Were there any burned-out light bulbs in there?

11 A. I don't recall, no.

12 Q. Okay. And when you checked to see if the light
13 bulbs were working, did you just screw them back up into the
14 receptacle?

15 A. Yes.

16 Q. And did you wear gloves when you did that?

17 A. Yes.

18 Q. When you were searching the Bridle Path residence,
19 were you searching for shoes at that point in time?

20 A. No, I wasn't.

21 MR. BUTNER: No further questions. Thank you,
22 Judge.

23 THE COURT: Thank you, Mr. Butner.

24 Mr. Sears, follow-up?

25

"F O L L O W - U P Q U E S T I O N S"

BY MR. SEARS:

Q. Let me -- let me start with this picture that's up on the screen here. That's not a good picture. Do you know what jingle bells are?

A. Bells, yes.

Q. Bells on a string or a cord?

A. Yes.

Q. People sometimes use them instead of a doorbell. Have you ever seen that?

A. No.

Q. Okay. If I told you that -- that that's a string of jingle bells hanging from the doorknob, do you remember now hearing those bells jingle when you opened the door?

A. No, I don't.

Q. Do you remember a doorbell?

A. No, I don't.

Q. Okay. You can't tell from that photo what those are; right?

A. No, sir.

Q. Okay. All right. If you've got that search warrant return that has item 553 on it, could you take a look at that. It's page 5 of 5 of the supplement on the Bridle Path return from July 3.

A. Which one is it?

1 Q. Item 553. It's page 5 of 5 of the supplement.
2 It's Exhibit 794. It's the search warrant return from Bridle
3 Path from the July 3 search. This is the one that talks
4 about the cell phone charger that you were answering
5 questions about. If you can't find it, let me know and I'll
6 show you my copy.

7 A. I found it, sir.

8 Q. You've got it? Okay. Is that not your handwriting
9 on 553?

10 A. No, it is not.

11 Q. Do you know whose handwriting that is?

12 A. No, I don't.

13 Q. Okay. It likely is either Josh Nelson, Luis
14 Huante, or yours; right, based on the names at the bottom of
15 that page; right?

16 A. Yes, sir.

17 Q. Okay. And we know it's not yours?

18 A. No, it's not.

19 Q. Are you familiar with Huante or Nelson's
20 handwriting?

21 A. Not to make a determination, no.

22 Q. Okay. Now, you're listed as the finder of this
23 flip-style cell phone with an ID number; right?

24 A. Yes, I am.

25 Q. Okay. Now, that's the -- the cell phone that you

1 said you took off the kitchen counter; right, that we've
2 looked at a number of times; right?

3 A. Yes, sir.

4 Q. Okay. And where it says -- let me take the jingle
5 bells down here for a minute and look at this return here so
6 we're all looking at the -- okay. This item 553, not your
7 handwriting; correct?

8 A. Correct.

9 Q. Okay. You see here where it says bedroom on the
10 floor. It looks like it says and charger and then there's an
11 arrow drawn over to the phrase S in parentheses bedroom on
12 the floor; right? Is that what it says?

13 A. Yes.

14 Q. Okay. And if you look at it a little closer, it
15 looks like somebody had written a plus sign there and then
16 overwrote parentheses in S. Does that look like that to you?
17 See that little cross or plus sign there?

18 A. I see that, yes.

19 Q. Now, if you look over here, it says and charger
20 kitchen counter and then it says either plus or parentheses S
21 bedroom on the floor. What is the S bedroom?

22 A. I'm going to say the south bedroom floor.

23 Q. Okay. And do you remember the floor plan? You
24 remember the only bedroom on the south side of the house
25 would be Carol's bedroom, the master bedroom; right?

- 1 A. Yes.
- 2 Q. Okay. Was this charger found to your knowledge on
3 the floor of Carol's bedroom?
- 4 A. It appears on this sheet it does.
- 5 Q. It says you found it.
- 6 A. Correct.
- 7 Q. C37. But you didn't find it?
- 8 A. Yes.
- 9 Q. Yes, you did not find it?
- 10 A. Yes, I found it.
- 11 Q. Yes, you found it?
- 12 A. Yes, I found it.
- 13 Q. Okay. Where did you find it?
- 14 A. The south bedroom.
- 15 Q. You found it on the master bedroom floor?
- 16 A. Yes.
- 17 Q. Okay. You remember that now?
- 18 A. Yes.
- 19 Q. Was it plugged into something?
- 20 A. No.
- 21 Q. It was just on the floor?
- 22 A. Yes.
- 23 Q. Where on the floor? Near what?
- 24 A. Near an outlet.
- 25 Q. Near an outlet. Did it have a plug with it?

1 A. On the outlet?

2 Q. Did the charger have a plug that went off the
3 charger where you could plug the charger into an outlet?

4 A. Yes.

5 Q. We went and looked -- unfortunately, items like
6 this are not typically brought to court, items like this
7 being items of physical evidence. But Mr. Robertson and I
8 took pictures of all of the evidence in this case. Let me
9 show you --

10 MR. SEARS: And you're welcome to come and
11 look, Mr. Butner.

12 BY MR. SEARS:

13 Q. Let me show you our photograph of evidence item
14 553.

15 MR. BUTNER: Is this -- Mr. Sears, is this
16 marked or anything?

17 MR. SEARS: No. No. I'm going to ask if it
18 refreshes his recollection. But if you'd like to come and
19 take a look.

20 MR. BUTNER: Thanks, Judge.

21 BY MR. SEARS:

22 Q. Okay. That's a little better. Okay. You
23 recognize the cell phone in this picture; right?

24 A. Yes, sir.

25 Q. And you can see that it has an evidence -- this is

1 an evidence bag from the Sheriff's Office on which that cell
2 phone is sitting; right?

3 A. Yes.

4 Q. You see the bar codes, the stickers? That's what
5 the Sheriff's Department evidence techs use to log in
6 evidence items; right?

7 A. Yes.

8 Q. Okay. And you can see this is -- several items
9 were in this envelope, but one of them here was 553; right?

10 A. It appears so, yes.

11 Q. Okay. And it looks like -- in this photograph to
12 me, it looks like there's a cell phone, a battery, and the
13 back of the phone; right?

14 A. Yes, in the photo.

15 Q. Do you see anything that looks like a charger?

16 A. No, sir, I don't.

17 Q. I will tell you we've looked at the evidence photos
18 or the evidence items around this and we just don't see a
19 charger. What did the charger look like?

20 A. A regular cell phone charger.

21 Q. Okay. Are you sure that it went with this cell
22 phone?

23 A. No. No. I'm not sure it went with the cell phone,
24 no.

25 Q. Was there any identifying information on the

1 charger, brand name, serial number, anything that would have
2 tied it to the cell phone you took off the counter?

3 A. I don't know.

4 Q. If there had been -- I mean, you were pretty
5 careful or somebody was pretty careful to log in all the
6 identifying numbers for the phone. There's the FCC number
7 and there is -- it goes on and on and on and then another
8 number here. What does that say, DEC? DEC number? Do you
9 see that?

10 A. Yes. It appears so, yes.

11 Q. Okay. This looks like -- could this be Huante's
12 handwriting?

13 A. I don't know.

14 Q. Okay. And then model something V325; right? That
15 was the model of the phone?

16 A. Yes.

17 Q. Okay. But then there's nothing about the charger.
18 Okay. I mean, help me out here. I'm just at a loss. I've
19 never seen the charger. I've never seen a picture of it.
20 And you tell us today that you found this and you found it in
21 Carol's bedroom; right?

22 A. Yes.

23 Q. Was it near her bed?

24 A. It was on the floor near the wall as you come into
25 the room.

1 Q. Okay. Was it photographed in place?

2 A. I don't know.

3 Q. Wasn't it the practice of the Sheriff's Office when
4 items were seized pursuant to a search warrant to photograph
5 them in place before they were taken?

6 A. Yes.

7 Q. Okay. You photographed the phone in place; right?

8 A. Correct.

9 Q. Okay. Have you ever seen a photograph of the
10 charger?

11 A. No, I have not.

12 Q. The reason I'm taking a little longer is
13 unfortunately these are not my questions. I want to make
14 sure I get the right ones.

15 These laundry room light bulbs, let me just
16 ask one more follow-up question about that. Were there only
17 three light bulbs that you saw in the entire laundry room?

18 A. Yes.

19 Q. Okay. And you took all three of them; right?

20 A. Yes.

21 Q. And all three of them worked before you took them?

22 A. As far as I remember, yes.

23 Q. But when you turned the switch on none of them came
24 on because they were all unscrewed?

25 A. Yes.

1 Q. Okay. There was a question about these P traps.
2 That's why I love this work. I learn something new every
3 day. Today I learned about P traps. Did you know about P
4 traps?

5 A. No, sir.

6 Q. Okay. Well, we both learned something today. Do
7 you really need to know where the P trap in the laundry room
8 was to know whether you searched it or not?

9 A. If -- I'd like to see a picture of it so I can see
10 if I actually searched it.

11 Q. Well, did you search any of the drains in the
12 laundry room?

13 A. A flashlight inside the drain, yes.

14 Q. But you didn't take apart the traps or any of the
15 plumbing underneath the sink -- any of the sinks in the house
16 or any of the sinks in the guest room -- in the guesthouse;
17 right?

18 A. No, I haven't.

19 Q. So the only search you did of any of the drains
20 anywhere in both houses was to take your flashlight and look
21 down it; right?

22 A. Yes.

23 Q. And you might have been looking into the P trap,
24 but you just don't know; right?

25 A. Don't know.

1 Q. Okay. So the mystery of the P trap is for another
2 day; right?

3 A. Yes.

4 Q. Okay. When you and Brown were out driving around
5 trying to find where Mr. DeMocker had -- had been riding, did
6 both of you have cell phones with you that day?

7 A. I did.

8 Q. You would certainly always have a cell phone with
9 you when you were on duty; right?

10 A. Yes, I did.

11 Q. And did you -- were you in your car or Brown's car
12 when you went out there?

13 A. Brown's car.

14 Q. Does Brown's car have a police radio?

15 A. Yes.

16 Q. So if you couldn't use the cell phone, you could
17 have tried to call somebody back at the Prescott office on
18 the police radio; right?

19 A. Yes.

20 Q. Go through dispatch and have somebody call you;
21 right?

22 A. Yes.

23 Q. And that didn't happen, did it?

24 A. I don't think so, no.

25 MR. SEARS: Could I just have a moment, your

1 Honor?

2 THE COURT: Yes.

3 (Brief pause.)

4 MR. SEARS: Your Honor, I have no further
5 questions of Detective Jaramillo.

6 THE COURT: Okay. Detective, if you will stay
7 there a minute. There are some more jury questions.
8 Mr. King is copying them right now, and he'll be back in just
9 a second. I will see attorneys at sidebar to go over these
10 additional jury questions.

11 (Sidebar discussion off the record.)

12 THE COURT: We have several more jury
13 questions. On the record.

14

15 "Q U E S T I O N S B Y T H E J U R Y"

16 THE COURT: Was the bike next to the barn full
17 of dust like the garden tools were? Do you remember?

18 THE WITNESS: I remember some dust, yes.

19 THE COURT: When you said were looking for
20 cylindrical weapons due to victim's injuries, how did you see
21 these injuries? Did you lift her arms?

22 THE WITNESS: I didn't lift her arms, no.

23 THE COURT: When you screwed the light bulbs
24 in, how long did you leave them on for? A second or a few
25 minutes?

1 THE WITNESS: A few seconds.

2 THE COURT: Did you dust them for prints
3 first?

4 THE WITNESS: I didn't, no.

5 THE COURT: If you know, if you left the bulbs
6 on for a minute or two, would that burn off any fingerprints
7 that might have been on them?

8 THE WITNESS: I don't know.

9 THE COURT: Follow-up, Mr. Butner?

10

11 "F O L L O W - U P Q U E S T I O N S"

12 BY MR. BUTNER:

13 Q. Were the light bulbs dusted for fingerprints by
14 anybody before they were tried?

15 A. No.

16 Q. Do you understand my question?

17 A. Before they were turned on?

18 Q. Yeah, before they were turned on.

19 A. No.

20 Q. They weren't dusted for prints yet?

21 A. No.

22 Q. Okay. Were you looking for cylindrical weapons
23 when you were out searching?

24 A. Later, yes.

25 Q. And when you say later, is that after the victim

1 had been put in the body bag?

2 A. Yes.

3 Q. And so at that point in time when you were out
4 searching, were you aware of the rod-like injuries on her
5 right arm?

6 A. At that time, yes.

7 MR. SEARS: Leading. Leading.

8 THE COURT: Sustained.

9 MR. SEARS: Move to strike the answer.

10 THE COURT: That is granted. That last answer
11 is stricken.

12 BY MR. BUTNER:

13 Q. What was the source of the information that caused
14 you to look for cylindrical weapons?

15 A. The injuries to the arm.

16 MR. BUTNER: No further questions.

17 THE COURT: Thank you, Mr. Butner.

18 Mr. Sears?

19

20 "F O L L O W - U P Q U E S T I O N S"

21 BY MR. SEARS:

22 Q. Let me understand your sworn testimony here today.
23 Thank you. I believe you told us under oath that you did not
24 see the bicycle hanging in the barn. Was that your
25 testimony?

1 A. Yes.

2 Q. You did not take it because you did not see it;
3 correct?

4 A. I don't think I took it because of that reason, no.

5 Q. Say again.

6 A. I didn't take it for that reason, no.

7 Q. You didn't see the bicycle on July 3 hanging in the
8 barn, did you?

9 A. In thinking, you know -- in trying to remember back
10 in 2008 today or the day I testified, I didn't recall the
11 bike in there, no.

12 Q. Okay. But yet you have no trouble telling us now
13 under oath that you remember seeing dust on a bicycle you
14 just told us you didn't see; correct?

15 A. Yes.

16 Q. You saw dust on a bicycle that you didn't see? Is
17 that what your testimony is today under oath?

18 A. No.

19 Q. How did you see dust on a bicycle that you didn't
20 see?

21 A. That day I saw it.

22 Q. You were asked today -- yesterday as a matter of
23 fact, you were asked yesterday whether you saw the bicycle;
24 correct? What did you think that question meant?

25 A. I don't understand the question.

1 Q. You were asked by me while you were under oath if
2 you saw the bicycle in the barn. Were you confused by my
3 question?

4 A. I don't think so, no.

5 Q. You understood that I was asking you if on July 3,
6 2008 you saw the bicycle?

7 A. Correct.

8 Q. Clearly when the bicycle picture was displayed
9 yesterday, you and everybody in this room saw it; right?

10 A. Yes.

11 Q. And so that wasn't the question you were being
12 asked. You weren't being asked if you saw it yesterday, were
13 you?

14 A. No.

15 Q. You said yesterday under oath that you did not see
16 the bicycle on July 3. That was your sworn testimony, was it
17 not?

18 A. Yes.

19 Q. Then you could not have seen dust on the bicycle
20 because you didn't see it; isn't that right?

21 A. No.

22 MR. SEARS: I have no other questions.

23 THE COURT: Thank you.

24 (Brief pause.)

25 THE COURT: And this will be the last of the

1 jury questions. And I will -- I'll see counsel about this.

2 (Sidebar discussion off the record.)

3
4 "Q U E S T I O N S B Y T H E J U R Y"

5 THE COURT: Okay. We're on the record.

6 How did you see the victim's arm injuries
7 before you moved the body into the body bag?

8 THE WITNESS: I didn't.

9 THE COURT: Any follow-up, Mr. Butner?

10 MR. BUTNER: Yes.

11
12 "F O L L O W - U P Q U E S T I O N S"

13 BY MR. BUTNER:

14 Q. When did you see -- when did you first see the
15 victim's arm injuries?

16 A. As the body was being placed into the body bag.

17 Q. And that was at approximately what time?

18 A. I believe it was 12:48, somewhere around that time.

19 Q. Sometime after noon and getting close to 1:00 p.m.
20 on July 3rd of 2008?

21 A. Yes.

22 Q. Okay. And did you then continue to search the
23 outer lying areas at the Bridle Path residence after that?

24 A. I believe so, yes.

25 Q. So when you were searching those outer lying areas,

1 did that include the barn area?

2 A. It may have, yes.

3 Q. Well, do you remember if it included the barn area?

4 A. I can't say for sure.

5 MR. BUTNER: No further questions.

6 THE COURT: Thank you, Mr. Butner.

7 Mr. Sears, did you want to follow up on that
8 question?

9 MR. SEARS: I do, your Honor.

10

11 "F O L L O W - U P Q U E S T I O N S"

12 BY MR. SEARS:

13 Q. You attended the autopsy conducted by Dr. Philip
14 Keen, did you not?

15 A. Yes, sir.

16 Q. And the first time that anyone connected with the
17 investigation in this case made any comments about the wounds
18 to Carol Kennedy's arms was from Dr. Keen at the autopsy;
19 correct?

20 A. I don't recall that, no.

21 Q. You don't even recall him talking about that?

22 A. Yes, I recall him talking about the injuries, yes.

23 Q. He was the first person to offer any opinion or
24 observation about those contusions on the right forearm of
25 Carol Kennedy, wasn't he?

1 A. I don't think so, no.

2 Q. You told us just a few moments ago that no comments
3 were made by any of you that were putting Carol Kennedy into
4 the body bag about any of her injuries? That's what you said
5 today; right?

6 A. Yes.

7 Q. In the pictures that you looked at Carol Kennedy is
8 lying face down with her right arm underneath her body;
9 right?

10 A. Yes.

11 Q. You told us that your role in putting her in the
12 body bag was to hold one of her legs as she was put into this
13 blue plastic body bag; right?

14 A. Correct.

15 Q. That didn't take very long, did it?

16 A. Not very long, no.

17 Q. You're not a forensic pathologist; right?

18 A. No, I'm not.

19 Q. Okay. And yet you out of all of the police
20 officers in this case and you in advance of the medical
21 examiner of Yavapai County, Dr. Philip Keen, decided that you
22 knew what kind of an object would have caused those injuries
23 to Carol Kennedy's arms? Is that what you're telling us here
24 today?

25 A. No.

1 Q. What are you telling us?

2 A. I saw the linear contusion and a linear object may
3 have made that injury.

4 Q. That's what you saw at the autopsy; right?

5 A. I saw that, yes, at the autopsy.

6 MR. SEARS: No other questions.

7 THE COURT: Thank you.

8 MR. BUTNER: Follow-up, Judge?

9 THE COURT: Yes.

10

11 "F O L L O W - U P Q U E S T I O N S"

12 BY MR. BUTNER:

13 Q. You testified that you saw the linear contusion and
14 you thought a linear object made that injury? Is that what
15 you just stated?

16 A. Yes.

17 Q. When did you first see the linear contusion?

18 A. At the residence.

19 Q. At the residence of Carol Kennedy on Bridle Path?

20 A. Yes.

21 Q. And at that point in time when you saw the linear
22 contusion -- well, did you see just one or more than one?

23 A. I believe just one.

24 Q. And at that point in time when you saw that, did
25 you have some sort of opinion in your mind as to what type of

1 instrument caused that injury?

2 A. Yes.

3 Q. What was your belief?

4 A. Some type of rod-type tool.

5 Q. So when you went searching, were you looking for
6 some type of rod-type tool?

7 A. Yes.

8 Q. What type of tool did you have in mind? Anything
9 specific?

10 A. Rebar, bats, poles.

11 Q. And were you looking for any kind of specific
12 diameter of rod-type of tool or instrument?

13 A. Yes, I did.

14 Q. What type of diameter were you looking for?

15 A. Something as the width of a rebar.

16 Q. And were you looking for something like that when
17 you searched the barn area?

18 A. Yes.

19 Q. Were you able to find anything like that?

20 A. No.

21 MR. BUTNER: No further questions, Judge.

22 MR. SEARS: Your Honor, this is a bit further
23 down than I thought we would go. I would like some
24 additional follow-up on one particular aspect. I need a
25 moment to locate a photo I would like to show the witness.

1 THE COURT: I'm going to allow some follow-up
2 on this point.

3 (Brief pause.)

4 MR. SEARS: It will take us just a minute to
5 set up the laptop, your Honor. While we're doing this, your
6 Honor, I have a couple questions of the witness that don't
7 require a exhibit.

8

9 "F O L L O W - U P Q U E S T I O N S"

10 BY MR. SEARS:

11 Q. Do you remember we were talking about the wooden
12 dowels; right?

13 A. Yes, sir.

14 Q. Okay. What is a dowel? What is that?

15 A. I believe it's something used for woodworking.

16 Q. It's a round piece of solid wood; right?

17 A. Yes.

18 Q. Okay. And looks like a stick? It's long and it's
19 round; right?

20 A. Most of them, yes.

21 Q. And you saw some; right?

22 A. Some dowels, yes.

23 Q. Where did you see them?

24 A. Somewhere in the barn.

25 Q. Okay. And you didn't seize them in part because

1 they didn't have any blood on them; right?

2 A. Correct.

3 Q. Okay. And you didn't think that they were
4 appropriate weapon possibilities; right?

5 A. At the time, no.

6 Q. Okay. If you put your arm out on that table and I
7 took one of those dowels and hit you on the arm, I would
8 leave a nice contusion, wouldn't I, if I swung hard?

9 A. Probably, yes.

10 Q. And it'd look just like the contusions on Carol
11 Kennedy's arm; right?

12 A. I don't know.

13 Q. Okay. Did you consider the dowels that you were
14 looking at as a possible source, not of the skull fractures,
15 but of those wounds on her arm; right?

16 A. At the time, no.

17 Q. Okay. The wounds on her arm were not bleeding
18 profusely, were they?

19 A. No.

20 Q. So the object that may have struck her on the arm
21 that caused those two linear contusions wouldn't necessarily
22 have blood on it, would it?

23 A. Not necessarily, no.

24 Q. Okay. And the object -- the rod-like object that
25 might have caused those might look like a wooden dowel;

1 correct?

2 A. I don't know.

3 Q. Well, what is it about a wooden dowel that's
4 inconsistent with the injuries that you say you saw in that
5 period of time when you were putting Carol's body in the body
6 bag?

7 A. The -- I believe the dowels were more thick.

8 Q. Okay. Are you an expert in assessing what kind of
9 objects cause what kinds of contusions? Is that something
10 you've had specific training in?

11 A. No, sir.

12 Q. Okay. Would a thick dowel have to cause a thick
13 contusion?

14 A. No.

15 Q. Okay. So it's possible those dowels could have
16 caused those contusions on Carol's arm; right?

17 A. I don't know.

18 Q. You just don't know?

19 A. No.

20 Q. And you chose not to see it.

21 Let me show you 2839 in evidence here, and I
22 think this will be very familiar to you.

23 MR. SEARS: I apologize for the delay, your
24 Honor. We weren't expecting to have to do this. And I don't
25 think the projector was expecting us to do it either.

1 BY MR. SEARS:

2 Q. Okay. Do you see where we are?

3 A. Yes, sir.

4 Q. Okay. Let's darken that up a little bit and go
5 ahead and zoom in. Actually, leave it light, but go left.

6 Okay. Do you see this area between the edge
7 of the barn and this barbed-wire fence? See this area?

8 A. Yes, sir.

9 Q. Of course you searched that area; right?

10 A. I looked back there, yes.

11 Q. So then you saw the approximately two dozen pieces
12 of rebar lying on the ground in this area? You saw that;
13 right?

14 A. Yes.

15 Q. Okay. And you just told us that one of the things
16 that you were looking for as a possible source of the
17 injuries to Carol Kennedy's arm was rebar; right?

18 A. The -- the actual size diameter, yes.

19 Q. Okay. Rebar is rebar is rebar, isn't it?

20 A. Yes.

21 Q. And there were several dozen pieces of rebar you
22 just told us you saw right here next to the barn; right?

23 A. Yes.

24 Q. And you didn't take any of those into evidence;
25 right?

1 A. No, I did not.

2 Q. And you did this search after you saw the injuries
3 on Carol's arm; right?

4 A. I believe so, yes.

5 MR. SEARS: No other questions.

6 THE COURT: May this witness -- Mr. Butner?

7 MR. BUTNER: Judge, I'd like to ask a couple
8 follow-up questions about that. That's the first I heard
9 about that.

10 THE COURT: Go ahead.

11 MR. BUTNER: Thank you.

12

13 "F O L L O W - U P Q U E S T I O N S"

14 BY MR. BUTNER:

15 Q. Detective, can you describe those pieces of rebar
16 that were lying next to the barn in terms of their length and
17 diameter?

18 A. I believe they were quite lengthy in diameter, you
19 know, just not very thick.

20 Q. What do you mean quite lengthy? What was the
21 length approximately?

22 A. Three feet approximately.

23 Q. And the diameter then?

24 A. I don't know. Half inch maybe.

25 Q. And why did you not seize any of that rebar then?

1 A. I don't know.

2 MR. BUTNER: No further questions.

3 THE COURT: May this witness be excused,
4 Mr. Butner?

5 MR. BUTNER: Yes, he may.

6 THE COURT: Mr. Sears?

7 MR. SEARS: Subject to recall, your Honor.

8 THE COURT: Okay. Detective Jaramillo, you
9 will be excluded at this time. However, it will be subject
10 to recall at a later time in trial. Recall the rule of
11 exclusion of witnesses has been invoked. Thank you. Please
12 watch your step.

13 THE WITNESS: Thank you.

14 THE COURT: And, counsel, actually, we haven't
15 had a recess, not some of us anyway for a while, so let's
16 take the afternoon recess. I know, ladies and gentlemen,
17 you've had some breaks. It's kind of worked out that way
18 with timing. Remember the admonition and please reassemble
19 at 20 after. Thank you.

20 (Recess from 3:02 p.m. to 3:21 p.m.)

21 ----oOo----

22 (Proceedings were held and reported, but are
23 not contained herein.)

24 ----oOo----

25 THE COURT: Let's get the jury and let's take

1 this up at the end of the day. Why don't we do that, okay.
2 Let's get started as soon as we can.

3 (Recess from 3:34 p.m. to 3:36 p.m.)

4 THE COURT: Please be seated.

5 The record will show the presence of the
6 defendant, all of the attorneys, and the jury.

7 Mr. Butner, you may call your next witness.

8 MR. BUTNER: Thank you. Judge, I'd call John
9 Joy to the stand.

10 THE COURT: Okay. Sir, if you would, please,
11 stand where the bailiff indicates and then raise your right
12 hand and be sworn by the clerk.

13

14 JOHN E. JOY, JR.,
15 called as a witness herein, having been first duly sworn, was
16 examined and testified as follows:

17

18 THE COURT: Please be seated here at the
19 witness stand.

20 And, sir, would you please begin by stating
21 your full name.

22 THE WITNESS: John Edgar Joy, Jr.

23 THE COURT: Okay. Mr. Butner.

24 (Next page, please.)

25

1 DIRECT EXAMINATION

2 BY MR. BUTNER:

3 Q. Thanks, Mr. Joy. You've been waiting very
4 patiently. Thank you very much.

5 Mr. Joy, what's your present occupation?

6 A. Retired.

7 Q. All right. Before becoming retired, what was your
8 occupation?9 A. I was an internal investigator with the Safeway
10 Corporation, Phoenix division.11 Q. And as an internal investigator for the Safeway
12 Corporation, Phoenix --

13 A. Phoenix division.

14 Q. -- Phoenix division --

15 A. Correct.

16 Q. -- did you have duties in connection with
17 surveillance video at the stores in the Phoenix division?

18 A. Yes, I did.

19 Q. What were your duties in connection with
20 surveillance videos?21 A. Ensure that they were properly working and
22 reporting any deficiencies to the company and then I ended my
23 investigations, myself I had to review video and sometimes do
24 live surveillance on the system.

25 Q. And did you also have care, custody, and control of

1 video surveillance for the stores in the Phoenix division?

2 A. Yes.

3 Q. And referring specifically to a store on Willow
4 Creek Road in Prescott, Arizona, what was your -- what were
5 your responsibilities in connection with the video
6 surveillance at that store on or about July 2nd of 2008?

7 A. Well, I conducted investigations at the store. I
8 reviewed video. I was responsible for making copies of video
9 that was requested by law enforcement. These are local,
10 federal, and state.

11 Q. Okay. And were you contacted by the Yavapai County
12 Sheriff's Office law enforcement in connection with
13 surveillance videos for the date of July 2nd of the year
14 2008?

15 A. Yes.

16 Q. And did you make copies for them of the
17 surveillance videos for that store on Willow Creek Road?

18 A. Yes, I did.

19 Q. What is that store number by the way?

20 A. Store number 245. It's at 1044 Willow Creek Road.

21 Q. 1044 Willow Creek Road, store number 245?

22 A. Correct.

23 Q. Okay. So did you make some copies of the
24 surveillance videos for the date of July 2nd of the year
25 2008 and provide those copies to the Yavapai County Sheriff's

1 Office?

2 A. Yes.

3 Q. I'm going to show you what's been marked for
4 evidentiary purposes as Exhibit 3001.

5 Have you got something that you can open that
6 bag with?

7 A. No.

8 MR. BUTNER: Have we got some scissors handy
9 by chance, Madam Clerk. Thank you.

10 BY MR. BUTNER:

11 Q. Would you go ahead and cut that open at one end or
12 the other. Okay. Looks to me like -- you've now cut the bag
13 open; right?

14 A. Correct.

15 Q. And that bag marked Exhibit 3001 on the exhibit
16 number. It's really hard to read. Do you see it right
17 there?

18 A. Okay. Yes.

19 Q. Do you see that?

20 A. Correct.

21 Q. Okay. And you've taken out of the bag some
22 objects. What are those?

23 A. Three CD-ROMs.

24 Q. And do you recognize those three CD-ROMs?

25 A. I recognize the writing on them. The papers on the

1 CD-ROM itself is my writing.

2 Q. And do you recognize the writing on each of the
3 three CD-ROMs?

4 A. Each of the papers on the outside, yes.

5 Q. Right. Whose writing is that?

6 A. Mine.

7 Q. And for what reason -- you did put the writing on
8 the outside of those CD-ROMs; is that correct?

9 A. Correct.

10 Q. When did you do that?

11 A. Whatever day they requested the video and whatever
12 day that I actually procured the video. The date on it is
13 July 2nd, but that's the date that's -- the video was
14 pulled from.

15 Q. Okay. You don't recall the exact date that you did
16 this video copying?

17 A. No.

18 Q. But are those the CD-ROMs that you used and did the
19 video copying onto?

20 A. Yes.

21 Q. And for what day did you copy onto those CD-ROMs?

22 A. For July 2nd, 2008.

23 Q. And was there a specific time frame that you copied
24 on July 2nd, 2008?

25 A. Correct.

1 Q. What time frame?

2 A. One is 2130 to 2240 and one is 12:00 to midnight.
3 And the other one has three different check lanes on it with
4 times.

5 Q. What three different check lane videos did you
6 copy?

7 A. Lane 3, 17 to 1800; lane 5, 15 to 1600; and lane 6,
8 2145 looks like to 2245.

9 Q. And are those the videos that you actually used for
10 that copying purpose?

11 A. Yes.

12 MR. BUTNER: Okay. I would move for the
13 admission of Exhibit 3001 at this time.

14 THE COURT: Ms. Chapman?

15 MS. CHAPMAN: Your Honor, we would have no
16 foundation objection, but would reserve all of our objections
17 when and if the State intends to play these videos.

18 THE COURT: You're offering the foundation at
19 this point, Mr. Butner.

20 MR. BUTNER: That's correct, Judge.

21 THE COURT: Okay. They're admitted with the
22 understanding that the content may -- there may be issues
23 with regard to content. I don't know.

24 MR. BUTNER: Thank you, Judge.

25 THE COURT: Then --

1 MR. BUTNER: I have no further questions of
2 this witness.

3 THE COURT: -- 3001 is admitted as far as
4 foundation goes.

5 MS. CHAPMAN: No questions, your Honor.

6 THE COURT: Okay. Then, ladies and gentlemen,
7 do you have any questions for Mr. Joy? I don't see any
8 questions.

9 Okay. Thank you, sir.

10 May this witness be excused?

11 MR. BUTNER: He may.

12 THE COURT: Ms. Chapman?

13 MS. CHAPMAN: He may.

14 THE WITNESS: Thank you, your Honor.

15 THE COURT: Okay. Mr. Joy, watch your step.
16 I will tell you the rule of exclusion of witnesses has been
17 invoked, meaning you can't discuss the case or your testimony
18 or communicate with any other witness about the case or your
19 testimony until the trial is completed. You can talk to the
20 lawyers.

21 THE WITNESS: Yes, your Honor. I understand.

22 THE COURT: Thank you.

23 THE WITNESS: Okay.

24 (Brief pause.)

25 THE COURT: Mr. Butner, did you want to have

1 equipment set up?

2 MR. BUTNER: No. I just had it set up out of
3 an abundance of caution, Judge.

4 THE COURT: Okay. All right.

5 MR. BUTNER: Now may I call my next witness?

6 THE COURT: Yes, please.

7 MR. BUTNER: Detective Wendy Parkison, please.

8 THE COURT: Okay.

9 (Brief pause.)

10 THE COURT: Detective, if you would please
11 stand where the bailiff directs you and then raise your right
12 hand and be sworn by the clerk.

13

14 WENDY PARKISON,
15 called as a witness herein, having been first duly sworn, was
16 examined and testified as follows:

17

18 THE COURT: Please be seated here at the
19 witness stand.

20 And, Detective, would you please begin by
21 stating and spelling your full name.

22 THE WITNESS: Wendy Parkison, W-E-N-D-Y.
23 P-A-R-K-I-S-O-N.

24 THE COURT: Thank you. And you may want to
25 move the microphone. Thank you.

D I R E C T E X A M I N A T I O N

1
2 BY MR. BUTNER:

3 Q. Okay. Detective Parkison, what is your present
4 occupation?

5 A. I'm an investigator with Yavapai County Sheriff's
6 Office.

7 Q. And how long have you been with the Yavapai County
8 Sheriff's Office?

9 A. Altogether about 22, 23 years.

10 Q. And have you had any specialized training or
11 education to prepare yourself for your occupation as an
12 investigator or deputy with the Yavapai County Sheriff's
13 Office?

14 A. Yes.

15 Q. Would you describe your training for us, please?

16 A. Originally in 1994, I went through the police
17 academy. And after that, I went through -- I worked as a
18 civil deputy. And then after that, I went to investigations,
19 which I've been in for 15 years, and been to numerous
20 trainings on investigations, specifically sexual assault and
21 child abuse.

22 Q. You handle a lot of sexual assault cases for the
23 Yavapai County Sheriff's Office?

24 A. I do.

25 Q. And when you say the police academy, what police

1 academy did you attend?

2 A. It was in Tucson. It was Arizona Law Enforcement
3 Officer Training Academy I think is what it was called.

4 Q. I think it's called ALETA.

5 A. ALETA, yes.

6 Q. Okay. It has been a while, hasn't it?

7 A. It has been a while.

8 Q. Okay. And so how long have you been a detective
9 for Yavapai County Sheriff's Office?

10 A. Approximately 15 years.

11 Q. And have you had any specialized training in regard
12 to performing duties as a detective?

13 A. Yes.

14 Q. Would you describe that for us, please.

15 A. Just throughout my career, I've done 40-hour
16 trainings specific to investigating crimes. Again, most of
17 my stuff has been specific to sex abuse and child abuse
18 crimes. Testifying in court, interviewing, investigating
19 crime scenes, that type of thing.

20 Q. Okay. And were you working as a detective for the
21 Yavapai County Sheriff's Office and performing your duties on
22 or about July 2nd of the year 2008?

23 A. Yes, I was an investigator at that time.

24 Q. And did you -- were you contacted in some fashion
25 to do investigative work in connection with the homicide of

1 Virginia Carol Kennedy?

2 A. Yes. Was that July 2nd or 3rd?

3 Q. Well, I'm asking you basically when you were
4 contacted.

5 A. It was July 3rd that I was contacted.

6 Q. Okay. Do you recall approximately what time you
7 were contacted?

8 A. It was about 5:00 o'clock that morning on July 3rd.

9 Q. All right. And when you were contacted, did you
10 respond to some specific place?

11 A. I did. I responded to the Prescott office.

12 Q. And upon responding to the Prescott office, what
13 did you do?

14 A. Originally I met with the two sergeants that were
15 involved, and then at that -- probably briefly after that we
16 were all assigned tasks.

17 Q. What two sergeants did you meet with?

18 A. Sergeant Huante and Sergeant Winslow.

19 Q. And then I take it you were assigned some task or
20 tasks after that meeting?

21 A. Yes.

22 Q. What task or tasks were you assigned?

23 A. My first task was to serve the search warrant on
24 Mr. DeMocker.

25 Q. Okay. And so this is the first search warrant in

1 connection with this particular investigation?

2 A. As far as I know it was, yes.

3 Q. And how did you serve it on Mr. DeMocker?

4 A. I personally served it on him. It was for physical
5 characteristics.

6 Q. Okay. And where was he located when you served the
7 search warrant on him?

8 A. At the time I served him, it was at the interview
9 room in the investigations portion of the Sheriff's Office
10 here in Prescott.

11 Q. And this particular search warrant -- let me show
12 you what's admitted into evidence as Exhibit 794. If you
13 would take a look at that. Do you recognize that particular
14 document?

15 A. Yes.

16 Q. And what is it?

17 A. It is the search warrant and then the
18 supplements -- the property supplements of things that were
19 taken.

20 Q. Okay. And you indicated that your service of this
21 search warrant was in connection with physical
22 characteristics from Mr. DeMocker?

23 A. Correct.

24 Q. Would you describe for us what you were seeking in
25 terms of physical characteristics.

1 A. That was to get fingernail clippings, buccal swabs
2 of the mouth, blood sample, photographs, and --

3 MR. SEARS: Your Honor, if the witness needs
4 to look at her report or any other document, that would be
5 fine, but I think the record needs to show that she lacks a
6 present memory when she does that.

7 MR. BUTNER: At the present time, she's
8 referring to the exhibit that's already admitted into
9 evidence, Judge.

10 THE COURT: You're referring to 794; is that
11 correct?

12 THE WITNESS: Yes.

13 THE COURT: Okay. Mr. Butner.

14 BY MR. BUTNER:

15 Q. Would you turn your reports face down in front of
16 you, please. Thank you.

17 And do you recall serving the search warrant
18 on Mr. DeMocker?

19 A. I do.

20 Q. And do you recall what items you were seeking from
21 Mr. DeMocker when you served that search warrant on him?

22 A. Yes.

23 Q. So you were looking for I think you described
24 fingernail clippings?

25 A. Yes.

1 Q. What else?

2 A. Photographs. I believe we seized his clothes,
3 buccal swabs, blood samples.

4 Q. And did you obtain all of those things from
5 Mr. DeMocker?

6 A. I personally didn't, but Ken Brewer, the evidence
7 technician, did.

8 Q. Were you present when Ken Brewer was getting those
9 things from Mr. DeMocker?

10 A. Some of those.

11 Q. Okay. What things were you present for when Ken
12 Brewer got those things from Mr. DeMocker? I'm assuming you
13 weren't there when he got Mr. DeMocker's clothes from him?

14 A. That's correct.

15 Q. Okay. But what things were you present for?

16 A. The blood draw and I believe the fingernail
17 clippings and I know the photographs.

18 Q. And what about the buccal swabs?

19 A. I don't have a clear recall on whether or not I was
20 in the room for that.

21 Q. Okay. How was the blood draw --

22 MR. SEARS: Could we have the witness speak a
23 little more into the microphone? Her voice tends to drop
24 off.

25 THE COURT: Yeah. And sometimes this

1 arrangement makes it a little difficult, but if we can get
2 the microphone a little closer. Thank you, Detective.

3 MR. SEARS: Thank you, your Honor.

4 BY MR. BUTNER:

5 Q. You indicated you were present for the blood draw;
6 is that correct?

7 A. Yes.

8 Q. And was that -- who obtained the blood draw from
9 Mr. DeMocker?

10 A. It was one of the nurses that is employed with the
11 detention facility.

12 Q. And then was that -- was that blood draw taken into
13 evidence --

14 A. Yes.

15 Q. -- at the Sheriff's Office?

16 A. Yes.

17 Q. And by whom?

18 A. It was me.

19 Q. All right. You placed it into evidence?

20 A. Yes.

21 Q. And do you have an exhibit number that you
22 designated that blood draw? It's a yes or no question.

23 A. I don't know what you mean by exhibit number.

24 Q. Well, did --

25 A. Evidence number?

1 Q. Yes.

2 A. Okay.

3 Q. And, I'm sorry, an evidence number for the
4 Sheriff's Office. Did you give it an evidence number?

5 A. I don't recall if I did or if evidence did.

6 Q. You prepared a search warrant supplement in
7 connection with seizing these various items?

8 A. Yes.

9 Q. And you put little numbers on that search warrant
10 supplement to correspond with the items that were seized?

11 A. Normally I do.

12 Q. You have that warrant with the search warrant
13 supplement in front of you right now; is that correct?

14 A. Yes.

15 Q. Okay. So you could look at your search warrant
16 supplement that's connected with that warrant; right?

17 A. I could.

18 Q. Would you?

19 A. If I'm allowed.

20 Q. You are allowed to do that.

21 A. The numbers look like my handwriting so I must have
22 assigned the numbers.

23 Q. Okay. In regard to the blood sample that was
24 obtained from Mr. DeMocker, what evidence number was that
25 given?

1 A. I'll have to look. That was item number 100.

2 Q. And what other items were seized and noted on your
3 supplement?

4 A. Up to 108.

5 Q. Okay. Tell us what the items seized were, please.

6 A. After the blood top, I have the left hand
7 fingernail clippings. The next one is right hand fingernail
8 clippings.

9 Q. Okay. Left hand was given what number?

10 A. Left hand is 101.

11 Q. And right hand was given what number?

12 A. 102.

13 Q. Okay. And those are the fingernail clippings;
14 right?

15 A. Yes.

16 Q. And what else was seized?

17 A. 103 is the buccal swabs. 104 is hair combings.
18 105 is khaki-colored shorts. 106 is green shorts -- or
19 excuse me -- a green shirt. 107 is white men's underwear.
20 And 108 is men's sandals.

21 Q. And all of those things were logged into evidence
22 at the Sheriff's Office?

23 A. Yes.

24 Q. And you're the person that logged them in?

25 A. Yes.

1 Q. Okay. And did you have any conversation with
2 Mr. DeMocker?

3 A. Not a real conversation that was of any length.

4 Q. You weren't interviewing Mr. DeMocker in connection
5 with this case?

6 A. No.

7 Q. Okay. After taking care of this particular aspect
8 of the investigation, getting the physical characteristics
9 pursuant to the search warrant, did you have any other tasks
10 in connection with this investigation?

11 A. Yes.

12 Q. What -- what were your tasks?

13 A. The next task I myself and a couple others went to
14 the address on Alpine Meadows and served a search warrant
15 there on that residence.

16 Q. And do you recall the precise address at Alpine
17 Meadows?

18 A. No.

19 Q. Do you know where that address was relative to any
20 landmarks in the Prescott area?

21 A. I believe it was off of Iron Springs Road.

22 Q. And what were your duties in connection with the
23 execution of the search warrant at Alpine Meadows?

24 A. Mostly what I did was record as people collected
25 things, I wrote it down on an evidence sheet.

1 Q. All right. Were you a collector of any specific
2 items at Alpine Meadows?

3 A. I don't believe that I was.

4 Q. Okay. But you accompanied people while that
5 process took place?

6 A. Yes.

7 Q. And I think we've heard the term scribe used in
8 this case. Were you the scribe?

9 A. The recorder/scribe, yes.

10 Q. Same synonymous terms basically?

11 A. Yes.

12 Q. So you noted -- well, tell us how you performed the
13 duties of the recorder/scribe.

14 A. Once a piece of evidence was located, they would --
15 I would note where it was found, what was found, and who
16 found it and what time.

17 Q. Okay. And who else was with you executing the
18 search warrant at Alpine Meadows?

19 A. We had two evidence technicians, Ken Brewer and
20 Leslie Madaffari, and then two investigators from the County
21 Attorney's Office, Bill Hobbs and Jimmy Jarrell.

22 Q. And did you do anything else in connection with the
23 Alpine Meadows residence?

24 A. No. After the search warrant was done, that was
25 the last time I went to that residence.

1 Q. Okay. How long were you there?

2 A. Approximately four and a half, five hours.

3 Q. And did anybody prepare any diagrams of the Alpine
4 Meadows residence?

5 A. I did.

6 Q. Did you do that at the time of the execution of the
7 search warrant?

8 A. I did. I drew a rough sketch and then later drew a
9 less rough sketch.

10 Q. Okay. Not to scale?

11 A. Definitely not to scale.

12 Q. I show you what is marked as Exhibit Number --
13 first of all Exhibit Number 2958.

14 MR. BUTNER: Do you have these; right,
15 Mr. Sears?

16 MR. SEARS: I do.

17 MR. BUTNER: Okay.

18 BY MR. BUTNER:

19 Q. Let me show you what is marked as Exhibit 2958. Do
20 you recognize what's depicted in that particular exhibit?

21 A. I do.

22 Q. What is it?

23 A. That's a diagram of the garage.

24 Q. And who prepared that diagram?

25 A. I did.

1 Q. And when did you prepare that diagram?

2 A. Like I said, I drew a rough sketch while I was
3 there and then probably a day or two later, I put it on
4 notebook paper.

5 Q. And is a more complete address for Mr. DeMocker's
6 residence on your diagram?

7 A. It is.

8 Q. Okay. So you had the complete address when you
9 were there --

10 A. Yes.

11 Q. -- at the Alpine Meadows residence?

12 A. Yes, I did.

13 Q. Now, is this to scale?

14 A. No.

15 Q. Does it accurately reflect the measurements -- and
16 I shouldn't say measurements -- I guess the configuration --
17 the configuration of the garage area at Alpine Meadows to the
18 best of your ability at that time?

19 A. To the best of my ability at that time, yes.

20 MR. BUTNER: Okay. I would move for the
21 admission of Exhibit 2958 at this time.

22 MR. SEARS: No objection.

23 THE COURT: Okay. 2958 is admitted.

24 BY MR. BUTNER:

25 Q. Let me show you what has been marked as Exhibit

1 Number 2959. Do you recognize what's depicted in that
2 particular exhibit?

3 A. I do.

4 Q. What is that?

5 A. That's the actual interior of the house.

6 Q. So you went up into the interior of the house in
7 preparation for that diagram?

8 A. Yes.

9 Q. Okay. And I said up. Would you describe where the
10 interior of the house was located relative to the garage?

11 A. Once you go through the garage door, you have to go
12 up some stairs to that particular floor.

13 Q. Okay. And would you tell us basically how you
14 prepared that diagram?

15 A. The same way. I made a rough sketch at the time of
16 the search warrant, and then later back in my office, I drew
17 it on this.

18 Q. And not to scale again; right?

19 A. No, it's not to scale.

20 Q. But it does accurately reflect the configuration of
21 that particular portion of the Alpine Meadows residence to
22 the best of your ability?

23 A. Yes.

24 MR. BUTNER: I would move for the admission of
25 Exhibit Number 2959 at this time.

1 MR. SEARS: No objection.

2 THE COURT: 2959 is admitted.

3 BY MR. BUTNER:

4 Q. Now, you were preparing these diagrams on July the
5 3rd of the year 2008; is that correct?

6 A. That's correct.

7 Q. And, in fact, you note on them diagram approximate
8 and not to scale; right?

9 A. Yes.

10 Q. Let me show you what has been marked as
11 Exhibit 2960. Do you recognize what's depicted in that
12 particular exhibit?

13 A. I do.

14 Q. What is that?

15 A. That is the master bedroom.

16 Q. Okay. And is it the master bedroom at 1716 Alpine
17 Meadows Lane, Number 1405 in Prescott, Arizona?

18 A. Yes.

19 Q. And is that what your understanding was to be the
20 residence of Mr. Steven DeMocker?

21 A. Yes.

22 Q. When did you prepare that portion of the diagram?

23 A. Again, at the time the search warrant did a rough
24 sketch and then later at my office drew it out.

25 Q. And does it accurately reflect the configuration of

1 the Alpine Meadows residence as it was on July 3rd of the
2 year 2008 to the best of your ability?

3 A. Yes.

4 MR. BUTNER: I would move for the admission of
5 Exhibit 2960.

6 MR. SEARS: No objection.

7 THE COURT: 2960 is admitted.

8 BY MR. BUTNER:

9 Q. And then let me show you what's been marked as
10 Exhibit 2961. Do you recognize what's depicted in that
11 particular exhibit?

12 A. Yes.

13 Q. What is that?

14 A. It's the master bedroom at the residence on Alpine
15 Meadows.

16 Q. Okay. And I said 2961 I think.

17 THE COURT: You did.

18 BY MR. BUTNER:

19 Q. I better look at that. I'm not sure if I -- it is
20 2961. Okay. And is that a diagram that you also prepared?

21 A. It's a copy of that last one.

22 Q. It's the same --

23 A. Yes.

24 Q. -- as the last one, huh?

25 A. Yes.

1 Q. So we're missing a portion I think. There was
2 another room that you diagrammed also, wasn't there, or were
3 there just three?

4 A. I think there were just those three.

5 Q. Okay. Oh, right. Okay. So we don't need to do
6 2961. I'm sorry. I don't know how that got -- that's 2960.
7 I won't be using that.

8 In regard to these diagrams, how were they
9 used by the Yavapai County Sheriff's Office?

10 A. Well, the diagrams were used -- for me, the numbers
11 corresponded to the items that were seized, so if you looked
12 at the search warrant and you saw this item number, you could
13 look at the diagrams and kind of get a general idea of where
14 that item was taken from.

15 Q. And how do they relate to the diagrams in that
16 fashion? Would you further explain that. You mean a certain
17 class of numbers came from a certain room?

18 A. Well -- and they could have gone out of -- out of
19 sequence, but generally when we took an item and we assigned
20 it a number, I located -- I put on the search warrant
21 supplement where that item had been found and then on the
22 diagram when you look at the particular room, you'll see that
23 number and it should correspond with the search warrant
24 supplement as to where it was found, if that makes sense.

25 Q. Would you give us an example. You've got the

1 search warrant there in front of you; right?

2 A. I do. I would have to -- let's go to the main
3 floor. Item number 432 was taken off the kitchen counter,
4 and on the search warrant supplement, that should say the
5 message machine, the answering machine.

6 Q. Do you remember that from the search warrant?

7 A. Yeah, I can just tell. I probably couldn't on all
8 of them without looking at the search warrant supplement. I
9 just remember the answering machine being on the counter.

10 Q. Okay. And does it -- somehow is there a number
11 assigned to a room --

12 A. No.

13 Q. -- or something like that?

14 A. No.

15 Q. That isn't what you mean?

16 A. Right. No.

17 Q. Okay. So you just are aware of certain items being
18 taken from certain rooms?

19 A. Yes.

20 Q. Okay. I can understand now what you're saying.

21 In connection with this investigation, did you
22 do anything further?

23 A. After the search warrant at the residence on
24 Alpine, I went to the autopsy.

25 Q. So you attended the autopsy?

1 A. Yes.

2 Q. Approximately what time did that take place, if you
3 recall?

4 A. I believe it was about 4:00 o'clock when I got
5 there, so I'm not exactly sure what time the autopsy actually
6 began.

7 Q. Okay. And after -- did you stay for the entire
8 autopsy?

9 A. I did.

10 Q. And after the autopsy was completed, did you do
11 anything further in connection with this case?

12 A. Not that day, no.

13 Q. After that day?

14 A. October 23rd I helped with the search warrant at
15 the UBS office.

16 Q. And that's Mr. DeMocker's office in Phoenix,
17 Arizona?

18 A. No. The one in Prescott.

19 Q. And what items, if any, were seized pursuant to
20 that search warrant?

21 A. I don't recall if any items were seized in that
22 search warrant.

23 Q. What was your role in connection with that
24 particular search warrant on October 23rd of the year 2008?

25 A. It was to help look for items.

1 Q. And do you recall finding any?

2 A. I didn't find any, no.

3 Q. Did you collect any?

4 A. I don't think so, no.

5 Q. Okay. Okay. I'd like to put these diagrams on the
6 overhead for just a couple of minutes. And use this too.

7 Excuse me.

8 Referring to Exhibit Number 2958, I'm placing
9 that on the overhead projector. Okay. Do you recognize
10 what's depicted in this particular Exhibit 2958?

11 A. Yes.

12 Q. What is that?

13 A. That's the inside of the garage.

14 Q. Okay. And you prepared this diagram; right?

15 A. Yes.

16 Q. Did you do any searching there in the garage?

17 A. I didn't personally search. I was
18 recording/scribing.

19 Q. Okay. You were recording/scribing?

20 A. Yes.

21 Q. Okay. Were you present when anything was seized?

22 A. Yes.

23 Q. A number of things and it's noted in all of these
24 supplements; right?

25 A. Yes.

1 Q. And if I understood your earlier testimony, the
2 searchers at that point in time were Detective Hobbs, a
3 Detective Jarrell from the County Attorney's Office?

4 A. Yes.

5 Q. And was anybody else searching at that time --

6 A. No.

7 Q. -- to your knowledge?

8 A. No.

9 Q. Ken Brewer also assisted in that; right?

10 A. He assisted by collecting and photographing, but he
11 wasn't doing the actual search.

12 Q. Okay. That was by Hobbs and Jarrell?

13 A. Yes.

14 Q. All right. And then let me show you what's been
15 admitted into evidence as Exhibit Number 2959. Okay. What's
16 depicted in Exhibit 2959?

17 A. That's the floor plan of the condo.

18 Q. And -- oh, now I understand what you were saying
19 about the numbers. You noted the numbers on the diagram of
20 where certain items were seized.

21 A. Yes.

22 Q. Okay. For example, referring to Exhibit
23 Number 2959, you talked about I think it was four -- what was
24 it? Is it 434?

25 A. I think it was 432.

1 Q. 432 right there that I'm pointing at; correct?

2 A. Yes.

3 Q. And what was that particular item?

4 A. I believe it was an answering machine just because
5 of the location.

6 Q. Okay. And that was on a counter?

7 A. Yes.

8 Q. By the kitchen?

9 A. Yes.

10 Q. And that's the kitchen right there; right?

11 A. Yes.

12 Q. Okay. And then you have all of these other items
13 that were seized in the laundry area; right?

14 A. Correct.

15 Q. With all of those numbers noted on the diagram?

16 A. Yes.

17 Q. And were you taking -- did you do this as part of
18 your duties as the scribe/recorder?

19 A. Yes.

20 Q. Okay. And the people that were doing the searching
21 and seizing, that was Hobbs and Jarrell?

22 A. Yes, it was.

23 Q. And Ken Brewer assisting?

24 A. Yes, uh-huh.

25 Q. Okay. And then showing you what's admitted into

1 evidence as Exhibit Number 2960. You indicated that this was
2 a diagram of what area?

3 A. The master bedroom.

4 Q. Okay. How many bedrooms were there at this
5 residence?

6 A. There's two specific bedrooms.

7 Q. And you say two specific bedrooms. Was there some
8 other room that wasn't specific?

9 A. Well, there was another room that looked like it
10 could have been a bedroom, but it was turned into an office.
11 I'm not sure.

12 Q. That was on the other portion of the diagram?

13 A. Yes.

14 Q. Okay. Whose bedroom was -- whose bedroom was this
15 to your understanding?

16 A. It looked like Mr. DeMocker's.

17 Q. And obviously various items were seized according
18 to these numbers noted on it; right?

19 A. Correct.

20 Q. Okay. Here we are looking at the other portion of
21 the residence. Was the master bedroom on the same floor as
22 this portion of the residence?

23 A. Yes.

24 Q. And this says bedroom girls; right?

25 A. Yes.

1 Q. What caused you to make that notation?

2 A. It had girl things in it, clothes, posters, girl
3 shoes.

4 Q. And I don't see any numbers in that particular
5 room. Was nothing seized out of that bedroom?

6 A. Nothing was seized.

7 Q. And then I see this area over here designated as
8 office; right?

9 A. Correct.

10 Q. Was there no door or anything across here?

11 A. Not that I recall, no.

12 Q. So it was a setoff section, an alcove area off of
13 the living room?

14 A. If I remember right, yeah, it was kind of an
15 alcove.

16 Q. And in connection with this area at Alpine Meadows,
17 how did the -- how did the master bedroom fit? Where was it?

18 A. On -- where the dining room table is on this side,
19 so it would have been to the left of the dining room table.

20 Q. Out in this section --

21 A. Yes.

22 Q. -- over here? So it kind of -- kind of fit like
23 that?

24 A. Yes.

25 Q. Whoops. Is that correct?

1 A. Yes, it is.

2 MR. BUTNER: Okay. I don't have any further
3 questions of this witness at this time.

4 THE COURT: Thank you, Mr. Butner.

5 Mr. Sears.

6

7 C R O S S - E X A M I N A T I O N

8 BY MR. SEARS:

9 Q. Detective, how are you?

10 A. Fine, thank you.

11 Q. Good.

12 When we talked together in March of this year,
13 you told me about a meeting that you attended that may have
14 been at the end of January of 2010 over here in Prescott. Do
15 you remember first telling me about that meeting?

16 A. I remember you asking about it, yes.

17 Q. And you remember the meeting itself?

18 A. Yes.

19 Q. The meeting was somewhat unusual for you because as
20 I understand it, you had been working sex crimes primarily as
21 a detective; is that right?

22 A. Yes.

23 Q. How long have you been a detective now?

24 A. 15 years.

25 Q. Okay. And you work sex crimes and you work

1 primarily on the Verde side; is that right?

2 A. Primarily, yes.

3 Q. So this was somewhat of an unusual case because you
4 got called out to come to a homicide on the Prescott side of
5 Yavapai County; right?

6 A. Yeah. It wasn't unusual, but it's happened before.

7 Q. It seemed like there was a need for a lot of law
8 enforcement presence at this case because it involved a
9 number of different scenes; right?

10 A. Correct.

11 Q. You had the Bridle Path crime scene, which
12 apparently you never went to; right?

13 A. No, I did not.

14 Q. And then you had Mr. DeMocker's home just going
15 through these diagrams here so you were there here in
16 Prescott; right?

17 A. Correct.

18 Q. And then his office in Prescott which you went to
19 in October on the day he was arrested; right?

20 A. Yes.

21 Q. Okay. And then you saw Mr. DeMocker for a period
22 of time in the Sheriff's Office; right?

23 A. Correct.

24 Q. And when you saw him in the Sheriff's Office,
25 Mr. DeMocker was -- was cooperating with you and Ken Nelson;

1 right?

2 A. And with who? I'm sorry.

3 Q. Is it Nelson?

4 A. Ken Brewer.

5 Q. I'm sorry. Brewer. Josh Nelson, Ken Brewer.

6 A. Yes.

7 Q. I get them mixed up.

8 A. Yes.

9 Q. He was cooperating? You didn't have to lash him
10 down to get these physical characteristic samples from him;
11 right?

12 A. No.

13 Q. And in fact there was a point at which apparently
14 even though you had a search warrant for blood, the person
15 that was going to take the blood, the phlebotomist, said that
16 their policy was that they had to have written consent from
17 the subject; right?

18 A. Correct.

19 Q. Which is a little strange because there's a court
20 order ordering the taking of a blood sample; right?

21 A. Yes.

22 Q. But Mr. DeMocker signed a written consent --

23 A. He did.

24 Q. -- that you prepared for him; right?

25 A. He did.

1 Q. So he was being fully cooperative at that time?

2 A. Yes.

3 Q. And this Alpine Meadows search, had you ever been
4 in that area of town before?

5 A. I have.

6 Q. Okay. Ever been in that condominium community
7 before that you can remember?

8 A. No.

9 Q. It's a gated community. You have to go through the
10 gate and wander back in; is that right?

11 A. That's correct.

12 Q. When you were the scribe or the recorder, that was
13 your job? You wrote down what other people found and
14 collected; right?

15 A. Yes.

16 Q. Do you have the search warrant return for that
17 Alpine Meadows search, particularly page 2 of 5 of the
18 supplement? Do you have that in front of you?

19 Please. Thank you.

20 A. I'm sorry, what page?

21 Q. It's the July 3rd search warrant supplement at
22 Alpine Meadows, page 2 of 5.

23 A. Okay.

24 Q. I'm looking at item 414, the second one from the
25 bottom. Do you see that?

1 A. I do.

2 Q. Okay. And that's a document that JJ, Jimmy
3 Jarrell, was the finder; right?

4 A. Correct.

5 Q. You've known Jimmy for years; right?

6 A. Yes.

7 Q. Used to be a lieutenant with the Sheriff's Office;
8 right?

9 A. Yes.

10 Q. And now he worked for the County Attorney's Office
11 in July of 2008; is that right?

12 A. He did.

13 Q. Okay. And at 12:35 in the afternoon, he finds a
14 copy of Carol Kennedy's 1996 will in a desk drawer in the
15 office up on the living area of the Alpine Meadows condo;
16 right?

17 A. Yes.

18 Q. Were you with him when he found that?

19 A. I was in the office so I don't know if I was right
20 with him. There was two of them searching.

21 Q. Okay. So you would have seen that that will came
22 out of a folder in which there were a number of other estate
23 planning documents; right?

24 A. I don't know.

25 Q. You don't remember?

1 A. No.

2 Q. Okay. It was one document that was taken, but you
3 didn't see that it came out of a folder with lots of other
4 documents?

5 A. It was an office. There was a lot of folders. I
6 don't recall.

7 Q. Okay. Jarrell was going through the drawer and he
8 pulls out this will; right?

9 A. It's -- I only know that because it's written down.
10 I don't --

11 Q. You don't have a picture two years plus on sitting
12 here of Jarrell reaching into the drawer and saying here's
13 the will; right?

14 A. No.

15 Q. Okay. So you can't tell us whether there were
16 other documents in that folder; right?

17 A. I can't.

18 Q. And were they photographed?

19 A. I believe everything that was taken was
20 photographed at one point.

21 Q. Can you tell from these documents who was taking
22 the photographs in the office when item 414, the will, was
23 seized?

24 A. No, I can't.

25 Q. Do you remember who it was?

1 A. I know Leslie Madaffari was taking pictures. I
2 don't know if Ken was.

3 Q. And have you seen this picture since then?

4 A. Probably not.

5 Q. Okay. Let's go back to that meeting, that meeting
6 that we were talking about where you came over here to
7 Prescott. Everybody basically that worked on the case was
8 invited to come to the Prescott office for this big meeting
9 on January 27th of this year. Do you remember that?

10 A. I don't remember the date of that meeting. I know
11 there were a lot of people.

12 Q. Other people have said it was January 27th. Does
13 that sound about right?

14 A. I don't know.

15 Q. You told me that you had an appointment calendar.
16 Did you ever go back after our March 3rd interview and look
17 at your appointment calendar to see what date it was that you
18 were here?

19 A. No.

20 Q. Did you only come to one meeting on this case in
21 2010 --

22 A. Yes, I believe so.

23 Q. -- where everybody was present?

24 A. I believe I've only been to one.

25 Q. Okay. And that's the only meeting that you've been

1 to like that involving this case; right?

2 A. I believe so, yes.

3 Q. And, in fact, you really had no involvement in this
4 case after October of 2008 when you were part of the team
5 that searched my client's office in Prescott on the day he
6 was arrested; right?

7 A. That's correct.

8 Q. You were done with your work on this case; right?

9 A. Yes.

10 Q. Now, you told me that at this meeting at various
11 times Rhodes here and Mascher and other people seemed to be
12 in charge; right?

13 A. Yes.

14 Q. Okay. Mr. Butner was there; right?

15 A. Yes, he was.

16 Q. Do you remember where it was?

17 A. Where the meeting was?

18 Q. Yes.

19 A. It was at the County Attorney's Office in Prescott.

20 Q. They have a big library conference room on the
21 third floor. Is that where it was?

22 A. I believe so, yes.

23 Q. Okay. Was Sheila Polk, the County Attorney, there?

24 A. Was Sheila Polk there?

25 Q. Yes.

1 A. No.

2 Q. How about Dennis McGrane? Do you know him?

3 A. I do.

4 Q. Was he there?

5 A. I don't think so.

6 Q. Okay. Was Mr. Butner the only Deputy County
7 Attorney that you can remember being there?

8 A. I believe Deputy Paupore was there for a little
9 bit.

10 Q. The man sitting right here?

11 A. Yes.

12 Q. Okay. And at various times you thought that either
13 Rhodes or Mascher were basically running the meeting; right?

14 A. Yes.

15 Q. And you said that your take on it was that
16 everybody was asked to get up and describe what they had done
17 on the case; right?

18 A. Yes.

19 Q. And so you got up when it was your turn and said
20 that you'd been involved taking physical characteristics and
21 doing the search at Alpine Meadows and then the search at UBS
22 in October; right?

23 A. Yes.

24 Q. And were you told to go out and do anything else?

25 A. That day at the meeting?

1 Q. Yes.

2 A. No.

3 Q. Okay. Were other people while you were there
4 giving instructions about work that they needed to go out and
5 do?

6 A. If they were, I don't recall.

7 Q. Okay. Were you curious why you were there?

8 A. No.

9 Q. I mean, you had written reports. You'd written
10 supplement number one in this case. Did you know that?

11 A. Yes.

12 Q. Your supplement was the very first supplement filed
13 in this case. You got your report in first, okay. And your
14 supplement was intended to be for anybody that wanted to see
15 what you had done, there it was in the supplement; right?

16 A. Correct.

17 Q. Did you add anything to the discussion on
18 January 27 of this year beyond what was in your supplement?

19 A. Not that I recall, no.

20 Q. Okay. Did you write a supplement about your work
21 on the UBS search on October 23rd?

22 A. I did.

23 Q. Okay. And did you add anything in this January
24 meeting to your supplement about that October 23rd, 2008
25 search?

1 A. No, I don't think so.

2 MR. SEARS: I don't have any other questions.
3 Thank you, your Honor.

4 THE COURT: Thank you, Mr. Sears.
5 Any redirect?

6 MR. BUTNER: Yes.

7 Can I get exhibit -- well, it's probably out
8 here. 2919.

9 Judge, again at this point in time, I would
10 like to offer into evidence Exhibit 2919, that certified copy
11 of the last will and testament.

12 THE COURT: Mr. Sears?

13 MR. SEARS: Hearsay. Relevance. Foundation.

14 MR. BUTNER: And, Judge, this is a certified
15 document.

16 MR. SEARS: This goes to foundation, your
17 Honor.

18 THE COURT: Do you have a specific as to
19 foundation that you're objecting?

20 MR. SEARS: I have no foundation objection to
21 a certified copy of the will. I know where it came from,
22 your Honor, but I would reserve our objections just as we did
23 on the Safeway tape to relevance, hearsay, and any other
24 objections. This witness is simply here to say that she was
25 part of -- it's being offered to this witness. If it's not,

1 I'm not really sure why we're doing it at this moment.

2 THE COURT: Overruled. 2919 is admitted.

3 MR. BUTNER: Thank you, your Honor.

4

5 R E D I R E C T E X A M I N A T I O N

6 BY MR. BUTNER:

7 Q. In regard to the will that was seized, Detective
8 Parkison, Detective Jimmy Jarrell was the person that was
9 seizing it; right?

10 A. Yes.

11 Q. And you were being the scribe/recorder at that
12 time; is that correct?

13 A. Correct.

14 Q. And if I understood your testimony in speaking with
15 Mr. Sears, you weren't really paying attention to what kinds
16 of documents it was with; is that right?

17 A. That's correct.

18 Q. You were just paying attention to the document that
19 was seized?

20 A. That's correct.

21 Q. Okay. In regard to this particular case and this
22 particular investigation, is this one of the larger cases and
23 investigations that you've been involved in?

24 A. I don't think so.

25 Q. Okay. Are you aware of how many detectives

1 performed various tasks in connection with this particular
2 case?

3 A. An actual number?

4 Q. Right.

5 A. No.

6 Q. It was -- essentially it started out a Prescott
7 case; right?

8 A. Yes.

9 Q. And yet you're a detective in the Verde and you
10 ended up working on it?

11 A. Yes.

12 Q. Is that unusual?

13 A. No.

14 Q. Does it -- how often does that happen on average
15 would you say in a month?

16 A. I don't think it happens every month.

17 Q. So how often on average would you say it happens in
18 a year that you need to come over and work on a Prescott
19 case?

20 A. That I'm called?

21 Q. Yes.

22 A. I'd be guessing.

23 Q. You don't have any idea how often it happens in a
24 year?

25 A. No.

1 Q. Well, this is August of 2010. Have you worked on
2 any Prescott cases in August of 2010?

3 A. No.

4 Q. How about in 2009, did you work on any Prescott
5 cases in 2009 that you can recall?

6 A. Honestly, things kind of happen quickly and blend
7 together. I don't -- nothing stands out, but that doesn't
8 mean it didn't happen.

9 Q. Right. You don't recall working on any in 2009?

10 A. Not right at the moment, but it's not to say that
11 it didn't happen.

12 Q. I understand.

13 A. And to certain degrees, I might just be doing a
14 little part or a lot of parts.

15 Q. In 2008, do you recall any other cases besides this
16 DeMocker investigation that were Prescott cases that you
17 worked on?

18 A. Again, I could very well have worked -- helped out
19 on other cases. I don't know.

20 Q. You don't recall any though?

21 A. I don't recall any specific ones. It doesn't mean
22 it didn't happen.

23 Q. I understand. And when you responded and came over
24 to the Prescott side on July the 3rd of the year 2008, did
25 other detectives from the Verde come over and work on this

1 particular case also?

2 A. Yes, they did.

3 Q. Which other Verde detectives came over and worked
4 on the case?

5 A. There was Detective Jaramillo, Detective
6 Willingham, Detective Edgerton, Sergeant Winslow. Don't know
7 if Detective Brown was assigned to the Verde at that time. I
8 think he was.

9 Q. So how many detectives did you have working in the
10 Verde back in July of 2008 to your recollection?

11 A. Maybe six, possibly seven.

12 Q. And you got about four or five of them over on the
13 Prescott side working on this case?

14 A. Yes.

15 Q. Limited roles; right?

16 A. Yes.

17 Q. I mean, you didn't have -- you didn't work
18 continuously on this case for a number of months; right?

19 A. I did not, no.

20 Q. Did some of the other detectives do that?

21 A. I believe Detective Brown did for a while, and I
22 don't know about the others.

23 Q. Okay. But you had some specialized tasks that you
24 performed in connection with this case; is that right?

25 A. Yes.

1 Q. And how many reports did you write in connection
2 with this case?

3 A. Two.

4 Q. And those reports were basically assigned -- I
5 shouldn't say assigned. Those reports were basically
6 directed at the specific tasks that you were assigned to
7 perform?

8 A. Correct.

9 Q. And how soon did you accomplish your two tasks in
10 connection with this case?

11 A. I don't know what you mean by that. How soon --

12 Q. You were involved in this investigation on July the
13 3rd of the year 2008; right?

14 A. Correct.

15 Q. And you did some specific tasks in connection with
16 the investigation?

17 A. Correct, on July 3rd.

18 Q. On July 3rd. Did you do any other tasks after
19 July 3rd of year 2008?

20 A. Not that I remember, no.

21 Q. So you just did those two tasks that occurred on
22 July 3rd and wrote reports about them?

23 A. Yes.

24 Q. Supplement number one and supplement number --

25 A. I don't know what the number of the supplement was

1 without looking.

2 Q. Why don't you refresh your recollection.

3 A. That was supplement 23.

4 Q. And what did 23 pertain to?

5 A. To the search warrant that was done October 23rd
6 at the office in Prescott.

7 Q. So you actually ended up working on this case then
8 several months later on October 23rd --

9 A. Yes.

10 Q. -- of 2008?

11 A. Yes.

12 Q. And when you spoke at the meeting on or about --
13 and you're not sure of the date; right? On or about January
14 something of 2010; right?

15 A. Correct.

16 Q. You described the specific things that you did?

17 A. Yes.

18 Q. And did you forget to write a report about any of
19 the things that you had done?

20 A. No.

21 Q. Did you put in your reports all of the stuff that
22 you had done in connection with this case to the best of your
23 ability?

24 A. I believe so.

25 Q. And at that meeting were there some people that

1 indicated that they hadn't written reports about some of the
2 things that they had done in connection with this case?

3 A. If they did, I don't remember what was said.

4 Q. Okay. You really don't remember what was said at
5 that meeting other than what you said?

6 A. I remember people talking about things, but as far
7 as any specific details, no.

8 Q. Okay. In regard to this investigation on the
9 Prescott side, do you know how many detectives on the
10 Prescott side were involved in the DeMocker investigation or
11 the Carol Kennedy homicide investigation?

12 A. Again, I'd be guessing. Maybe four, five.

13 Q. When you say detectives, are you talking about
14 supervisors too?

15 A. Yes.

16 Q. All right. And who are the ones that you're aware
17 of that were involved in the investigation on the Prescott
18 side?

19 A. There was Sergeant Huante, Detective Theresa
20 Kennedy, Ross -- Detective Ross Diskin, the two investigators
21 from the County Attorney's Office Jarrell and Hobbs. I
22 believe investigator Mike Sechez from the County Attorney's
23 Office.

24 Q. How about from the Sheriff's Office?

25 A. All those with the exception of Jarrell and Hobbs.

1 Q. Huante and Theresa Kennedy and Ross Diskin; right?

2 A. Yes.

3 Q. And what about Lieutenant Rhodes?

4 A. I -- I never saw him on July 3rd. I don't think
5 so.

6 Q. So you don't know if he was involved or not?

7 A. I don't.

8 Q. You saw him at that meeting in January of 2010;
9 right?

10 A. Yes.

11 Q. And what about Commander Mascher, do you know if he
12 was involved in this investigation?

13 A. I don't.

14 Q. And do you know -- what about Detective McDormett?
15 Did he become involved in this investigation?

16 A. I believe it was later on. I don't think he was
17 there on July 3rd.

18 Q. Not on July 3rd, but later on, did he become
19 involved?

20 A. Yes.

21 Q. And do you know how many detectives they had on the
22 Prescott side?

23 A. Not an accurate number, no.

24 Q. Were most of them somehow involved in this
25 particular investigation to your knowledge?

1 A. It seems so.

2 MR. BUTNER: Okay. I don't have any further
3 questions. Thank you very much.

4 THE COURT: Thank you, counsel.

5 Ladies and gentlemen, any questions for this
6 witness? I don't see any hands. I guess no questions.

7 Okay. Then, counsel, may Detective Parkison
8 be excused as a witness? Mr. Butner?

9 MR. BUTNER: Yes, she may.

10 THE COURT: Mr. Sears?

11 MR. SEARS: Yes, sir.

12 THE COURT: Okay. Detective, you are excused
13 as a witness at this time. You know that the rule of
14 exclusion of witnesses has been invoked, and you know what
15 that means; correct?

16 THE WITNESS: Yes, I do.

17 THE COURT: Okay. Please watch your step when
18 you step down, and you are excused.

19 Mr. Butner.

20 MR. BUTNER: Judge, I can start another
21 witness at this time, but I think it would probably be not a
22 very good idea in light of I've already announced what
23 witnesses are going to be called tomorrow.

24 THE COURT: And I think there's a legal matter
25 too we might want to take up as well.

1 So, ladies and gentlemen, we will go ahead and
2 take the evening recess at this time. And please remember
3 the admonition. And please be back in the jury room by
4 9:00 a.m. tomorrow morning. Thank you.

5 ---oOo---

6 (Proceedings were held and reported, but are
7 not contained herein.)

8 ---oOo---

9 (Proceedings concluded at 5:08 p.m.)

10 ---oOo---

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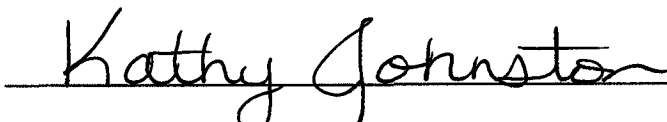
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REPORTER'S CERTIFICATE

The above and foregoing is a true and complete transcription of my stenotype notes taken in my capacity as Acting Official Reporter of Yavapai County Superior Court, Kathy Johnston, Certified Reporter No. 50164, Division Six, at the time and place as set forth.

Dated at Prescott, Arizona, this 27th day of June, 2011.



KATHY JOHNSTON
Certified Reporter No. 50164
Registered Professional Reporter

FILED ON _____